

SUMMARY OF DETAILS

Recall ~ MARSHALL PUBLIC SCHOOL BOARD
Richard Lindsey

(Refer to Michigan Election Law, 168.951 ~ 976)

Petition filed 01/31/2022 to recall

MPS School Board Members Richard Lindsey (Nonpartisan position);
Serving a 6 year term: Richard Lindsey, 15509 17 ½ Mile Rd, Marshall 49068 269-317-5905
lindseyjagboy1@yahoo.com – elected 11/3/2020

Sponsor:

Albion City registered voter David Atchison,
108 W Erie St, Albion 49224 Phone: 301-653-8354; Email: albionsdaveatchison@gmail.com

Recall Wording:

Language was submitted to the County Clerk's Marshall Office on Monday, January 31, 2022. The office holders were notified by phone Tuesday, February 1, 2022 & an email was sent with details of the hearing and the language Tuesday, February 1, 2022.

Marshall Public Schools **recall petition** language:

Richard Lindsey is being recalled because numerous voters believe he violated MPS policy #1130 CONFLICT-OF-INTEREST, based on the following facts. He simultaneously served as BOE President & as attorney representing Albion College. His activities as an attorney raised questions of conflict with his school system duties & responsibilities. He presided over BOE meetings associated with a school bond proposal while concurrently participating in activities associated with his client's unsolicited proposal, to MPS for establishing a new elementary school adjacent to their campus. Questions were raised by the public, bloggers, and in local newspapers about the appearance of impropriety & apparent conflict between his representation of Albion College & activities as president of the school board. The legal firm of Hewson & Van Hellmont sent a legal opinion to the school board concluding a conflict-of-interest under MCL 380.1203(1) exists and that Mr. Lindsey's representation of Albion College on a matter involving MPS is in violation of the Michigan Rules of Professional Conduct. Fifty community members in the Marshall School District signed a petition requesting he recuse himself from voting on board decisions which affect the location of a new school in Albion. Mr. Lyndsey continued to represent Albion College.

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 office holder is sought to be recalled. This is a calculated number based on the number of registered voters that cast votes in the cities & townships within the Marshall Public School district divided the number of votes in that precinct for Governor. Please see the calculations below:

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DISTRICT	REG VOTERS	POLL BOOK SD	VOTE ACTUAL	GOV PB	%	SD GOV VOTE
ALBION 1	985	461		451	100%	451
2	841	317		315	100%	315
3	1096	540		528	100%	528
4	699	311		306	100%	306
5	1084	567		554	100%	554
6	496	278		276	101%	276
MARSHALL 1	2813	1514		1487	100%	1487
2	2811	1611		1584	100%	1584
ALBION TWP	627	352	489	495	71%	348
CONVIS	337	228	676	688	33%	224
ECKFORD	750	470	619	624	75%	466
FREDONIA	1196	689	748	763	90%	675
LEE	50	33	463	465	7%	33
MARENGO	730	393	933	944	42%	388
MARSHALL TWP	2234	1511	1634	1659	91%	1488
NEWTON	3	3	1316	1330	0%	3
SHERIDAN	1256	550	596	601	92%	545
CONCORD	102	51	1175	1195	4%	50
PARMA	276	107	1003	1022	10%	105
TOTAL SD GOV VOTES						9828
25% OF Gov Votes						25%
TOTAL PETITION SIGNATURES REQUIRED						2457

The Clarity/Factual Review Hearing is scheduled for Monday February 14, 2022 (14th day after filing), 10:00am, 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 David Atchison and the officeholder Richard Lindsey will have an opportunity to speak to the Election Commission to express their concerns as to the petition language being clear and factual.
- The County Election Commission will discuss and vote to approve or disapprove the recall petition as clear and factual in nature; to determine if the petition meets statutory criteria.

The Determination of Election Commission will be signed by County Election Commissioner members following the Clarity/Factual Review Hearing determining if the language was approved or denied, and will be forwarded to the sponsor, officeholder, and the 13 clerks in the Marshall Public School District.

A motion was made by Treasurer Wensauer to “vote” on the petition language submitted for the recall of the School Board Member Richard Lindsey. A roll call vote was taken by Election Specialist Jill Stout: A vote of the clarity and factual nature of the petition language submitted for the recall of School Board Member Richard Lindsey. Clerk Hinkley: Approve, Treasurer Wensauer: Approve, Judge Jaconette: Approve. *By a vote of 3 – 0, the election commission approved the language of the petition filed 01/31/2022*

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- 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.
- An appeal to the Clarity/Factual Determination can be made to Circuit Court within 10 days of determination (by close of business on February 24, 2022).

Filing of signed recall petitions: *August 5, 2022*

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 February 14, 2022.
- 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.)

Upon completion of the preliminary review, the County Clerk-Elections Staff determined the following invalid signatures.

- 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 February 14, 2022.
- 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
 4. the signature was obtained more than 60 days before the filing of the petitions.

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- 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 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 notify the 13 clerks in the Marshall Public School District to give public notice of the election, provide election supplies, and do all details necessary to conduct the election.

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 officer 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.

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Filing deadline for nonpartisan candidates

10 days after the Official Call of Election for a Nonpartisan office, candidates may file Nonpartisan Nominating Petitions or a \$100 nonrefundable filing fee. [MCL 168.972](#). The Nominating Petitions shall be filed with the clerk of the electoral district and signed by 10% of the qualified and registered electors of the electoral districts as required under section [MCL 168.544f](#). Packets will be available for interested candidates at the Calhoun County Clerk's Elections Office.

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.

Board of Canvassers: the board of county canvassers will meet within 5 days after the election. If it is determined 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.

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](#))

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.