

Recall – Marshall Township Trustee Robert Lyng
(Refer to Michigan Election Law, 168.951 – 976)

Language filed 03/31/2023 to recall:

Marshall Township Trustee Robert Lyng (Republican)
Serving a 4-year term November 2020 – November 2024
Address: 14526 15 Mile Rd., Marshall, MI 49068 Phone: 269-579-0687
Email: robert@marshalltownship.org

Sponsor:

Marshall Township Registered Voter: Glenn Kowalske, 15548 17 ½ Mile Rd., Marshall, MI 49068
Phone: 269-282-4401
Email: Glenn@kowalske.net

Recall Wording:

The language was submitted to the County Clerk’s Office on Friday, March 31, 2023. The Trustee was notified within 3 business days via phone and email: April 3, 2023.

ROBERT LYNG WAS ON THE BOARD OF DIRECTORS OF THE MARSHALL AREA ECONOMIC DEVELOPMENT ALLIANCE WHILE ALSO SERVING AS A MARSHALL TOWNSHIP PLANNING COMMISSIONER AND TRUSTEE. ON JANUARY 26 AND FEBRUARY 20, 2023 HE VOTED YES, APPROVING THE PUBLIC ACT 425 LAND TRANSFERS TO THE CITY OF MARSHALL AS TRUSTEE OF MARSHALL TOWNSHIP.

Number of Signatures Required: The petitions shall be signed by registered and qualified electors equal to no 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 council member is sought to be recalled. This a calculated number based on the total Marshall Township voters in the November 8, 2022, election.

Recall of: Marshall Township Trustee - Robert Lyng						
Based on votes cast during 11/08/2022 Gubernatorial Election						
Recall Signatures Needed:						
DISTRICT	# of Registered Voters	Nov 8, 2022 Poll Book	All Votes for Governor	x 25%	# of Signatures Required	Rounded Up
Marshall Township Precinct 1	2697	1763	1754	25%	438.5	439
Total:	2697	1763	1754	25%	438.5	439

The Clarity/Factual Review Hearing: Scheduled for April 11, 2023 (11 days after filing), at 3:30pm at the Calhoun County Building, 315 W Green St, Marshall, MI 49068, Boardroom 3-C08 (The Board of Commissioners Chambers on the 3rd Floor).

- The sponsor Glenn Kowalske and the Township Trustee Robert Lyng will have an opportunity to speak to Elections 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: A motion was made by Clerk Hinkley, 2nd by Treasurer Wensauer made a motion to vote on the clarity & factual nature of the language. A roll call was taken by Election Specialist Jill Stout: A vote of the clarity & factual nature of the petition language submitted for the recall of Marshall Township Trustee Robert Lyng: Clerk Hinkley: Approve, Treasurer Wensauer: Approve, Judge Jaconette: Approve. *By a vote of 3 to approve, -0- to reject, the Election Commission approved the language of the petition filed 03/31/2023.*

- Once the County Election Commission approves a recall petition for clarity/factual 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 the Circuit Court within 10 days of determination (by close of business on April 21, 2023).
- ❖ **Appeal Filed** by officeholder Robert Lyng, Friday, April 21, 2023. Decision from Calhoun Circuit Court required by May 31, 2023, or 40 day expiration of the appeal will allow the collection of signatures.
- ❖ **Conclusion of 40 day appeal process.** May 31, 2023, concluded the 40 day waiting period for the Circuit Court to make a determination whether to uphold the Calhoun County Election Commission decision to approve the petition language or overturn their decision. A hearing at the Circuit Court has been scheduled for June 9, 2023, at 10am. Until the determination by the Circuit Court, the Sponsor may circulate petitions to collect signatures.

Filing of signed recall petitions:

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 11, 2023.
- 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 March 29, 2023.
- 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.
- 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 Clerk of Marshall Township 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.

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.