

COUNTY OF CALHOUN
ELECTION COMMISSION

IN RE: Petition to Recall Richard Lindsey
MPS School Board Member

DETERMINATION OF ELECTION COMMISSION

A Petition was filed with the Calhoun County Clerk seeking the recall of Marshall Public School Board Member Richard Lindsey. The Election Commission met in public session on Monday, January 24, 2022 at 8:15am and took comments and arguments on the clarity and factual nature of the petition language.

The Commission is charged with determining whether each reason state in the petition is based upon conduct occurring during the official's current term of office, and whether each reason, "is factual and 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 language filed is as follows:

Mr. Lindsey presided over school board discussions, deliberations and actions associated with Albion College while simultaneously serving as Albion College's paid attorney. His conduct violated MPS policy prohibiting Board members from engaging in activities which raises a reasonable question of conflict with their duties and responsibilities in the school system. His conduct also violated the Michigan Code of Educational Ethics which require avoiding the appearance of impropriety. Mr. Lindsey violated the Open Meetings Act and School District policy on 11 October 2021 by presiding over a closed session meeting of the Board of Education without the purpose of the meeting being disclosed to the public. He subsequently created a false official record by approving inaccurate official minutes of the meeting which hid the OMA violation. Mr. Lindsey disregarded the voters' 2 November 2021 rejection of a school bond, and despite public opposition to an alliance between Marshall Public Schools and Albion College, voted on 13 December 2021 to proceed in establishing a partnership between MPS and Albion College to construct a new school.

The Election Commission is charged as follows:

" ... shall meet and shall determine whether each reason for the recall stated in the petition is factual and 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. If any reason for the recall is not factual or of sufficient clarity, the entire recall petition shall be rejected. " MCL 168.952

The Commission has considered only whether the assertions of the petition are stated clearly and factually. An allegation of fact may be true or false, and the test employed by the Election Commission is whether the allegation states facts so that the responding official may defend.

The Commission determines that reasons for recall are alleged:

The Commission finds that one or more of the allegations set forth a statement or statements of opinion or conclusion rather than allegations of fact, and **therefore rejects the petition.** MCL 168.952(3)

(Continued)

The Election Commission determines by a vote of ___ Approved and ___ REJECTED that not every allegation in this petition is factual in nature, i.e. an assertion of fact as opposed to an opinion or conclusion. Therefore, because this petition does not meet statutory criteria, *the petition is rejected.*

Appeals to this determination may be made to the Circuit Court of Calhoun County no later than February 3, 2022.

Dated: 1.24.2022

<input type="checkbox"/> Approved
<input checked="" type="checkbox"/> Rejected

Kimberly A. Hinkley
KIMBERLY A. HINKLEY, County Clerk

Dated: 25 Jan 22

<input type="checkbox"/> Approved
<input checked="" type="checkbox"/> Rejected

Brian Wensauer
BRIAN WENSAUER, County Treasurer

Dated: 1/24/22

<input type="checkbox"/> Approved
<input checked="" type="checkbox"/> Rejected

David Gilbert
DAVID GILBERT, Prosecutor