

COUNTY OF CALHOUN
ELECTION COMMISSION

IN RE: Petition to Recall Howard Rigg
Village of Tekonsha Trustee

DETERMINATION OF ELECTION COMMISSION

A Petition was filed with the Calhoun County Clerk seeking the recall of Village of Tekonsha Trustee Howard Rigg. The Election Commission met in public session on Monday, January 24, 2022 at 11:00am 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:

Feb. 8 AT meeting, disreceptful towards bank employees. Nov. 8 Meeting Agenda Mr Rigg had A potential SAle of property, without owners Knowledge or consent for Any Involvement from Mr. Rigg, Consequently her property sale was Terminated.^{Nov 8} Dec 13 Meeting - Because of Mr Rigg constantly needing to control & criticize, the village lost a vital DPW Employee who oversaw water / sewer Lagoon, Dec 15th without an appointment Mr. Rigg went to Post Master during business becAme Angry, very Loud, disturbing customers and was Told to leave

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.

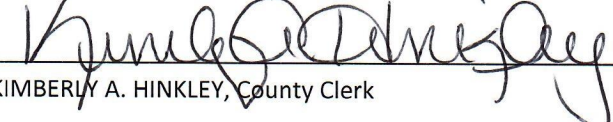
The Commission determines that reasons for recall are alleged:


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 ~~X~~ 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 Approved
 Rejected 
KIMBERLY A. HINKLEY, County Clerk

Dated: 24 Jan 22 Approved
 Rejected 
BRIAN WENSAUER, County Treasurer

Dated: 1/24/22 Approved
 Rejected 
DAVID GILBERT, County Prosecutor, in absence of Probate Judge