



BILL BULLARD JR.
OAKLAND COUNTY CLERK/REGISTER OF DEEDS

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ELECTIONS DIVISION

BILL BULLARD JR.
COUNTY CLERK/REGISTER OF DEEDS

JOSEPH J. ROZELL, CERA
DIRECTOR OF ELECTIONS

June 20, 2012

Ms. Janice Daniels
5314 Breeze Hill Place
Troy, MI 48098

VIA FIRST CLASS MAIL

Dear Ms. Daniels:

Thank you for your correspondence of June 18th, 2012 regarding the "type size" used on the recall petitions submitted demanding your recall from office. Clerk Bullard has asked that I respond to your letter.

On June 18th, our office concluded a preliminary review of the petitions and determined that the petitions are in proper form and that they contain in excess of the minimum number of signatures required to begin examining for genuineness of registration and signature.

Our decision was based on the following;

1. The recall petition was determined by the Board of County Election Commissioners to meet all of the requirements in MCL 168.952(1). One of those requirements was to comply with Section 544c (1) and (2) which relate to the petition size, type size and contents you have addressed. The first five sentences of MCL 168.544c speak to the form design. The form used was designed and approved by the Secretary of State in compliance with this section. The next sentence reads "The name, address, and party affiliation of the candidate and the office for which petitions are signed shall be printed in type not larger than 24-point." This sentence specifically addresses the portion of the petition where the candidate (nominating petition) or recall sponsor (recall petition) completes the necessary blanks with the relevant information. As you have identified these font sizes are 12 and 10 point type, which are in compliance with MCL 168.544c.
2. There has been considerable discussion recently about the font size in petitions used to place a challenge to the Emergency Manager Law on a state-wide ballot. Please keep in mind that state-wide voter initiated petitions are reviewed by the State Board of Canvassers and governed by different statutes than local election recalls. The Court of Appeals in Bloomfield Charter Twp v Oakland Co Clerk held that when a petition "substantially complies with the statutory requirements...certification is warranted."

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REGISTER OF DEEDS

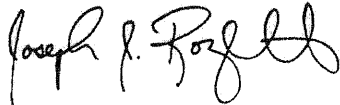
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All Election Law requirements have been complied with in approval of the form for this recall.

3. Even if there was an error in the petition formatting, the time period to challenge the recall petition has passed. MCL 168.952(6) states "the determination by the board of county election commissioners may be appealed by the officer whose recall is sought...to the circuit court in the county. The appeal shall be filed not more than 10 days after the determination of the board of county election commissioners." As no such appeal was filed with the circuit court, the petition is deemed to comply with the requirements of 168.952.

Please don't hesitate to contact our office should you have any questions.

Sincerely,
COUNTY OF OAKLAND

A handwritten signature in black ink, appearing to read "Joseph J. Rozell". The signature is fluid and cursive, with the first name "Joseph" and last name "Rozell" clearly legible.

Joseph J. Rozell, CERA
Director of Elections

c: Matthew Binkowski