

Act No. 45
Public Acts of 1993
Approved by the Governor
May 27, 1993
Filed with the Secretary of State
May 27, 1993

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1993**

Introduced by Reps. Brackenridge, Voorhees, Middaugh, Baade, Hammerstrom, Gnodtke, DeLange, Dolan, Dobronski, Dalman, McNutt, Stille, Dobb, McBryde and Pitoniak

ENROLLED HOUSE BILL No. 4187

AN ACT to amend sections 951 and 952 of Act No. 116 of the Public Acts of 1954, entitled "An act to reorganize, consolidate and add to the election laws; to provide for election officials and prescribe their powers and duties; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to prescribe the penalties therefor; and to repeal certain acts and all other acts inconsistent herewith," section 952 as amended by Act No. 456 of the Public Acts of 1982, being sections 168.951 and 168.952 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Sections 951 and 952 of Act No. 116 of the Public Acts of 1954, section 952 as amended by Act No. 456 of the Public Acts of 1982, being sections 168.951 and 168.952 of the Michigan Compiled Laws, are amended to read as follows:

Sec. 951. Every elective officer in the state, except a judicial officer, is subject to recall by the voters of the electoral district in which the officer is elected as provided in this chapter. A petition shall not be filed against an officer until the officer has actually performed the duties of the office to which elected for a period of 6 months during the current term of that office. A petition shall not be filed against an officer during the last 6 months of the officer's term of office. An officer sought to be recalled shall continue to perform duties of the office until the result of the recall election is certified.

Sec. 952. (1) A petition for the recall of an officer shall meet all of the following requirements:

- (a) Be in the size and print types required by section 544c.
 - (b) Be printed.
 - (c) State clearly each reason for the recall. Each reason for the recall shall be based upon the officer's conduct during his or her current term of office. The reason for the recall may be typewritten.
 - (d) Contain a certificate of the circulator. The certificate of the circulator may be printed on the reverse side of the petition.
 - (e) Be in a form prescribed by the secretary of state.
- (2) Before being circulated, a petition for the recall of an officer shall be submitted to the board of county election commissioners of the county in which the officer whose recall is sought resides.

(3) The board of county election commissioners, not less than 10 days or more than 20 days after submission to it of a petition for the recall of an officer, shall meet and shall determine whether each reason for the recall stated in the petition is 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. Failure of the board of county election commissioners to comply with this subsection shall constitute a determination that each reason for the recall stated in the petition is of sufficient clarity to enable the officer whose recall is being sought and the electors to identify the course of conduct that is the basis for the recall.

(4) The board of county election commissioners shall notify, not later than 24 hours after receipt of a petition for the recall of an officer, the officer whose recall is sought of each reason stated in the petition and of the date of the meeting of the board of county election commissioners to consider the clarity of each reason.

(5) The officer whose recall is sought and the sponsors of the petition may appear at the meeting and present arguments on the clarity of each reason.

(6) The determination by the board of county election commissioners may be appealed by the officer whose recall is sought or by the sponsors of the petition drive 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.

(7) A petition that is determined to be of sufficient clarity under subsection (1) or, if the determination under subsection (1) is appealed pursuant to subsection (6), a petition that is determined by the circuit court to be of sufficient clarity is valid for 180 days following the last determination of sufficient clarity under this section. A recall petition that is filed under section 959 or 960 after the 180-day period described in this subsection is not valid and shall not be accepted pursuant to section 961. This subsection does not prohibit a person from resubmitting a recall petition for a determination of sufficient clarity under this section.

This act is ordered to take immediate effect.

Co-Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.