

RECALL ELECTIONS

House Bill 5185

Sponsor: Rep. Charles LaSata

Committee: Redistricting and Elections

Complete to 2-5-02

A SUMMARY OF HOUSE BILL 5185 AS INTRODUCED 10-10-01

The bill would amend recall election provisions in the Michigan Election Law in the following ways.

- Petitions seeking the recall of an elected official are required to "state clearly each reason for the recall", and the act requires that each reason be based on the official's conduct during his or her current term of office. House Bill 5185 would require that the petitions state clearly and truthfully each reason for the recall. Further, each reason for the recall would be limited to issues that could not be overturned by board action or if no other political recourse was available, as well as being based on conduct during the current term of office.

(The law at present requires the appropriate board of county election commissioners to determine whether each reason stated for the recall 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". A hearing must be held at which the elected official whose recall was being sought and the sponsors of the petition can present arguments on the clarity of each reason. A decision of the county board can be appealed to circuit court.)

- Currently, the recall of an elected official requires a majority vote in favor of recall at a recall election. House Bill 5185 would require, in addition to a majority vote, that the number of votes cast in favor of recall be greater than the number of votes cast in favor of the officer at the election at which he or she was elected.

MCL 168.952 and 168.968

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