

**SUBSTITUTE FOR
HOUSE BILL NO. 5185**

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 968 (MCL 168.968), as amended by 1989 PA 26.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 968. (1) If a petition is filed under section 960, the
2 board of county canvassers in the county where the petition is
3 filed shall conduct the canvass of the recall election. The can-
4 vass of other recall elections shall be by the board of state
5 canvassers. If a board of canvassers determines that a majority
6 of the votes are in favor of recall, the board of canvassers
7 immediately upon the determination shall certify the result to
8 the officer with whom the recall petition was filed. Upon certi-
9 fication, the office is vacant. The officer with whom the recall
10 petition was filed shall, immediately upon receipt of the
11 certification, notify the clerk or secretary of the electoral

HB5185, As Passed House, March 12, 2002

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1 district or, if the electoral district is a district library
2 district, the district library board from which the official was
3 recalled and the recalled official of the results of the recall
4 election and the date and time of the certification.

5 (2) IF THE OFFICER WHOSE RECALL IS SOUGHT IS AN OFFICER OF A
6 COUNTY, CITY, VILLAGE, TOWNSHIP, OR SCHOOL DISTRICT, THE BOARD OF
7 CANVASSERS SHALL NOT CERTIFY AS PROVIDED IN SUBSECTION (1) UNLESS
8 THE MAJORITY OF VOTES IS IN FAVOR OF RECALL AND THAT MAJORITY
9 TOTALS AT LEAST 1 VOTE MORE THAN THE VOTES CAST FOR THE OFFICER
10 WHOSE RECALL IS SOUGHT AT THE ELECTION AT WHICH THE OFFICER WAS
11 ELECTED FOR THAT TERM.