

# HOUSE BILL No. 5185

October 10, 2001, Introduced by Reps. LaSata, Julian, Van Woerkom, Ehardt and Toy and referred to the Committee on Redistricting and Elections.

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending sections 952 and 968 (MCL 168.952 and 168.968),  
section 952 as amended by 1993 PA 137 and section 968 as amended  
by 1989 PA 26.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

3       (a) Comply with section 544c(1) and (2).

4       (b) Be printed.

5       (c) State clearly AND TRUTHFULLY each reason for the  
6 recall. Each reason for the recall shall be LIMITED TO ISSUES  
7 THAT CANNOT BE OVERTURNED BY BOARD ACTION OR IF NO OTHER  
8 POLITICAL RECOURSE IS AVAILABLE AND SHALL BE based upon the

1 officer's conduct during his or her current term of office. The  
2 reason for the recall may be typewritten.

3 (d) Contain a certificate of the circulator. The certifi-  
4 cate of the circulator may be printed on the reverse side of the  
5 petition.

6 (e) Be in a form prescribed by the secretary of state.

7 (2) Before being circulated, a petition for the recall of an  
8 officer shall be submitted to the board of county election com-  
9 missioners of the county in which the officer whose recall is  
10 sought resides.

11 (3) The board of county election commissioners, not less  
12 than 10 days or more than 20 days after submission to it of a  
13 petition for the recall of an officer, shall meet and shall  
14 determine whether each reason for the recall stated in the peti-  
15 tion is of sufficient clarity to enable the officer whose recall  
16 is sought and the electors to identify the course of conduct that  
17 is the basis for the recall. Failure of the board of county  
18 election commissioners to comply with this subsection shall con-  
19 stitute a determination that each reason for the recall stated in  
20 the petition is of sufficient clarity to enable the officer whose  
21 recall is being sought and the electors to identify the course of  
22 conduct that is the basis for the recall.

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

1 the board of county election commissioners to consider the  
2 clarity of each reason.

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

6 (6) The determination by the board of county election com-  
7 missioners may be appealed by the officer whose recall is sought  
8 or by the sponsors of the petition drive to the circuit court in  
9 the county. The appeal shall be filed not more than 10 days  
10 after the determination of the board of county election  
11 commissioners.

12 (7) A petition that is determined to be of sufficient clar-  
13 ity under subsection (1) or, if the determination under subsec-  
14 tion (1) is appealed ~~pursuant to~~ UNDER subsection (6), a peti-  
15 tion that is determined by the circuit court to be of sufficient  
16 clarity is valid for 180 days following the last determination of  
17 sufficient clarity under this section. A recall petition that is  
18 filed under section 959 or 960 after the 180-day period described  
19 in this subsection is not valid and shall not be accepted  
20 ~~pursuant to~~ AS PROVIDED IN section 961. This subsection does  
21 not prohibit a person from resubmitting a recall petition for a  
22 determination of sufficient clarity under this section.

23 Sec. 968. (1) If a petition is filed under section 960, the  
24 board of county canvassers in the county where the petition is  
25 filed shall conduct the canvass of the recall election. The can-  
26 vass of other recall elections shall be by the board of state  
27 canvassers. If a board of canvassers determines that a majority

1 of the votes are in favor of recall AND THE NUMBER OF VOTES CAST  
2 IN THE RECALL ELECTION IN FAVOR OF RECALL IS GREATER THAN THE  
3 NUMBER OF VOTES THAT WERE CAST IN FAVOR OF THE OFFICER WHOSE  
4 RECALL IS SOUGHT AT THE ELECTION AT WHICH THAT OFFICER WAS  
5 ELECTED, THE RECALL IS APPROVED. OTHERWISE, THE RECALL IS NOT  
6 APPROVED. IF THE RECALL IS APPROVED, the board of canvassers  
7 SHALL immediately ~~upon the determination shall~~ certify the  
8 result to the officer with whom the recall petition was filed.  
9 Upon certification, the office is vacant.

10 (2) The officer with whom the recall petition was filed  
11 shall, immediately upon receipt of the certification UNDER SUB-  
12 SECTION (1), notify the clerk or secretary of the electoral dis-  
13 trict or, if the electoral district is a district library dis-  
14 trict, the district library board from which the official was  
15 recalled and the recalled official of the results of the recall  
16 election and the date and time of the certification.