

HOUSE BILL No. 4638

May 6, 2003, Introduced by Reps. Gleason, Zelenko, Minore, Farrah, Sak, O'Neil, Rivet, Lipsey, Sheltroun, Adamini, Brown, Meisner, Paletko, Daniels, Cheeks and Clack and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 951, 952, and 954 (MCL 168.951, 168.952, and 168.954), section 951 as amended by 1993 PA 45 and section 952 as amended by 1993 PA 137.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 951. ~~Every~~ **Each** elective officer, ~~in the state,~~
2 except a judicial officer, is subject to recall by the voters of
3 the electoral district in which the officer is elected as
4 provided in this chapter. ~~A~~ **If an officer's term of office is**
5 **2 years or less, a recall** petition shall not be filed against
6 ~~an~~ **the** officer until the officer has actually performed the
7 duties of the office to which elected for a period of 6 months
8 during the current term of that office ~~. A petition~~ **and** shall
9 not be filed against an officer during the last 6 months of the

HOUSE BILL No. 4638

1 officer's term of office. **If an officer's term of office is more**
2 **than 2 years, a recall petition shall not be filed against the**
3 **officer until the officer has actually performed the duties of**
4 **the office to which elected for a period of 1 year during the**
5 **current term of office and shall not be filed against an officer**
6 **during the last 1 year of the officer's term of office.** An
7 officer sought to be recalled shall continue to perform duties of
8 the office until the result of the recall election is certified.

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

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

12 (b) Be printed.

13 (c) State clearly **and factually** each reason for the recall.

14 Each reason for the recall shall be **limited to issues that cannot**
15 **be overturned by board action or if no other political recourse**
16 **is available and shall be** based upon the officer's conduct during
17 his or her current term of office. The reason for the recall may
18 be typewritten.

19 (d) Contain a certificate of the circulator. The certificate
20 of the circulator may be printed on the reverse side of the
21 petition.

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

23 (2) Before being circulated, a petition for the recall of an
24 officer shall be submitted to the board of county election
25 commissioners of the county in which the officer whose recall is
26 sought resides.

27 (3) The board of county election commissioners, not less than

1 10 days or more than 20 days after submission to it of a petition
2 for the recall of an officer, shall meet and shall determine
3 whether each reason for the recall stated in the petition is of
4 sufficient clarity to enable the officer whose recall is sought
5 and the electors to identify the course of conduct that is the
6 basis for the recall. Failure of the board of county election
7 commissioners to comply with this subsection shall constitute a
8 determination that each reason for the recall stated in the
9 petition is of sufficient clarity to enable the officer whose
10 recall is being sought and the electors to identify the course of
11 conduct that is the basis for the recall.

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

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

21 (6) The determination by the board of county election
22 commissioners may be appealed by the officer whose recall is
23 sought or by the sponsors of the petition drive to the circuit
24 court in the county. The appeal shall be filed not more than 10
25 days after the determination of the board of county election
26 commissioners.

27 (7) A petition that is determined to be of sufficient clarity

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

11 Sec. 954. ~~The petitions~~ **A recall petition** shall be signed
12 by registered and qualified electors of the **governmental**
13 **subdivision designated in the petition heading and of the**
14 electoral district of the official whose recall is sought. In a
15 school district where school electors are not required to be
16 registered, the signers of the petition ~~shall not be~~ **are not**
17 required to be registered electors and the term "registered and
18 qualified electors" ~~shall mean~~ **means** "qualified electors".
19 Each signer of the petition shall ~~affix his signature,~~ **sign his**
20 **or her full name as it appears in his or her application to**
21 **register to vote. The signer of the petition shall also enter**
22 **his or her** address ~~,~~ and the date of signing. ~~The persons~~
23 ~~signing the petition shall be registered and qualified electors~~
24 ~~of the governmental subdivision designated in the heading of the~~
25 ~~petition.~~