

SENATE BILL No. 190

February 8, 2007, Introduced by Senators GLEASON, CLARK-COLEMAN, GARCIA, BASHAM, HUNTER, PRUSI, SWITALSKI, JACOBS and SCHAUER and referred to the Committee on Campaign and Election Oversight.

A bill to amend 1954 PA 116, entitled
 "Michigan election law,"
 by amending sections 951 and 952 (MCL 168.951 and 168.952), 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. (1) ~~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 provided
 4 in this chapter. ~~A-IF AN OFFICER'S TERM OF OFFICE IS 2 YEARS OR~~
 5 **LESS, A RECALL** petition shall not be filed against ~~an~~ **THE** officer
 6 until the officer has actually performed the duties of the office
 7 to which elected for a period of 6 months during the current term
 8 of that office ~~-A-AND A RECALL~~ petition shall not be filed against

1 an officer during the last 6 months of the officer's term of
 2 office. IF AN OFFICER'S TERM OF OFFICE IS MORE THAN 2 YEARS, A
 3 RECALL PETITION SHALL NOT BE FILED AGAINST THE OFFICER UNTIL THE
 4 OFFICER HAS ACTUALLY PERFORMED THE DUTIES OF THE OFFICE TO WHICH
 5 ELECTED FOR A PERIOD OF 1 YEAR DURING THE CURRENT TERM OF OFFICE
 6 AND A RECALL PETITION SHALL NOT BE FILED AGAINST AN OFFICER DURING
 7 THE LAST 1 YEAR OF THE OFFICER'S TERM OF OFFICE. An officer sought
 8 to be recalled shall continue to perform THE duties of ~~the~~ HIS OR
 9 HER office until the result of the recall election is certified.

10 (2) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1), IF, ON
 11 THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
 12 SUBSECTION, LANGUAGE TO RECALL AN OFFICER HAS BEEN SUBMITTED AND
 13 APPROVED UNDER SECTION 952, THEN A RECALL PETITION MAY BE FILED IF
 14 THE OFFICER HAS ACTUALLY PERFORMED THE DUTIES OF HIS OR HER OFFICE
 15 FOR A PERIOD OF 6 MONTHS AND IT IS NOT WITHIN THE LAST 6 MONTHS OF
 16 THE TERM OF OFFICE, REGARDLESS OF THE OFFICER'S TERM OF OFFICE.

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

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

20 (b) Be printed.

21 (c) State clearly AND FACTUALLY each reason for the recall.

22 Each reason for the recall shall be LIMITED TO ISSUES THAT CANNOT
 23 BE OVERTURNED BY BOARD ACTION OR FOR WHICH NO OTHER POLITICAL
 24 RECOURSE IS AVAILABLE AND SHALL BE based upon the officer's conduct
 25 during his or her current term of office. The reason for the recall
 26 may be typewritten.

27 (d) Contain a certificate of the circulator. The certificate

1 of the circulator may be printed on the reverse side of the
2 petition.

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

4 (2) Before being circulated, a petition for the recall of an
5 officer shall be submitted to the board of county election
6 commissioners of the county in which the officer whose recall is
7 sought resides.

8 (3) The board of county election commissioners, not less than
9 10 days or more than 20 days after submission to it of a petition
10 for the recall of an officer, shall meet and shall determine
11 whether each reason for the recall stated in the petition is of
12 sufficient clarity to enable the officer whose recall is sought and
13 the electors to identify the course of conduct that is the basis
14 for the recall. Failure of the board of county election
15 commissioners to comply with this subsection shall constitute a
16 determination that each reason for the recall stated in the
17 petition is of sufficient clarity to enable the officer whose
18 recall is being sought and the electors to identify the course of
19 conduct that is the basis for the recall.

20 (4) The board of county election commissioners, not later than
21 24 hours after receipt of a petition for the recall of an officer,
22 shall notify the officer whose recall is sought of each reason
23 stated in the **RECALL** petition and of the date of the meeting of the
24 board of county election commissioners to consider the clarity of
25 each reason.

26 (5) The officer whose recall is sought and the sponsors of the
27 **RECALL** petition may appear at the meeting and present arguments on

1 the clarity of each reason.

2 (6) The determination by the board of county election
3 commissioners may be appealed by the officer whose recall is sought
4 or by the sponsors of the **RECALL** petition drive to the circuit
5 court in the county. The appeal shall be filed not more than 10
6 days after the determination of the board of county election
7 commissioners.

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