

MICHIGAN ELECTION LAW (EXCERPT)
Act 116 of 1954

168.952 Recall petition under MCL 168.960; requirements; submission to board of county election commissioners; determination that reason for recall is factual and of sufficient clarity; notice; meeting; presentation of arguments; appeal; validity of petition.

Sec. 952. (1) A petition for the recall of an officer listed in section 960 must meet all of the following requirements:

- (a) Comply with section 544c(1) and (2).
 - (b) Be printed.
 - (c) State factually and clearly each reason for the recall. Each reason for the recall must be based upon the officer's conduct during his or her current term of office. The reason for the recall may be typewritten.
 - (d) Contain a certificate of the circulator. The certificate of the circulator may be printed on the reverse side of the petition.
 - (e) Be in a form prescribed by the secretary of state.
- (2) Before being circulated, a petition for the recall of an officer under subsection (1) must be submitted to the board of county election commissioners of the county in which the officer whose recall is sought resides.
- (3) The board of county election commissioners, not less than 10 days or more than 20 days after submission to it of a petition for the recall of an officer under subsection (1), shall meet and shall determine whether each reason for the recall stated in the petition is factual and 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. If any reason for the recall is not factual or of sufficient clarity, the entire recall petition must be rejected. Failure of the board of county election commissioners to meet as required by this subsection constitutes a determination that each reason for the recall stated in the petition is factual and of sufficient clarity to enable the officer whose recall is being sought and the electors to identify the course of conduct that is the basis for the recall.
- (4) The board of county election commissioners, not later than 3 business days after receipt of a petition for the recall of an officer as provided under subsection (2), shall notify the officer whose recall is sought of each reason stated in the recall petition and of the date of the meeting of the board of county election commissioners to consider whether each reason is factual and of sufficient clarity.
- (5) The officer whose recall is sought and the sponsors of the recall petition may appear at the meeting and present arguments on whether each reason is factual and of sufficient clarity.
- (6) The determination by the board of county election commissioners may be appealed by the officer whose recall is sought or by the sponsors of the recall petition drive to the circuit court in the county. The appeal must be filed not more than 10 days after the determination of the board of county election commissioners. If a determination of the board of county election commissioners is appealed to the circuit court in the county, the recall petition is not valid for circulation and must not be circulated until a determination of whether each reason is factual and of sufficient clarity is made by the circuit court or until 40 days after the date of the appeal, whichever is sooner.
- (7) A petition is not valid for circulation if at any time a circuit court determines that each reason on the recall petition is not factual and of sufficient clarity.
- (8) A recall petition is valid for 180 days after either of the following, whichever occurs later:
- (a) The date of determination of whether each reason is factual and of sufficient clarity by the board of county election commissioners.
 - (b) The sooner of the following:
 - (i) The date of determination of whether each reason is factual and of sufficient clarity by the circuit court.
 - (ii) Subject to subsection (7), 40 days after the date of the appeal under subsection (6).
- (9) A recall petition that is filed after the 180-day period described in subsection (8) is not valid and must not be accepted by the filing official under section 961. This subsection does not prohibit a person from resubmitting a recall petition for a determination of sufficient clarity and factualness under this section.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1976, Act 66, Imd. Eff. Apr. 2, 1976;—Am. 1982, Act 456, Imd. Eff. Dec. 30, 1982;—Am. 1993, Act 45, Imd. Eff. May 27, 1993;—Am. 1993, Act 137, Eff. Jan. 1, 1994;—Am. 2012, Act 417, Imd. Eff. Dec. 20, 2012;—Am. 2018, Act 190, Imd. Eff. June 20, 2018.

Compiler's note: Enacting section 2 of Act 417 of 2012 provides:

"Enacting section 2. As provided in section 5 of 1846 RS 1, MCL 8.5, this act is severable."

Enacting section 3 of Act 417 of 2012 provides:

"Enacting section 3. The legislature recognizes the importance of the electoral process, and it is the intent of the legislature that this amendatory act uphold each of the following:

- (a) Section 4 of article II of the state constitution of 1963.
- (b) Section 8 of article II of the state constitution of 1963.

(c) Section 26 of article V of the state constitution of 1963."

Popular name: Election Code