



SENATE BILL No. 1090

July 3, 1996, Introduced by Senator A. SMITH and referred to the Committee on Government Operations.

A bill to amend section 952 of Act No. 116 of the Public Acts of 1954, entitled as amended "Michigan election law," as amended by Act No. 137 of the Public Acts of 1993, being section 168.952 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 952 of Act No. 116 of the Public Acts of
2 1954, as amended by Act No. 137 of the Public Acts of 1993, being
3 section 168.952 of the Michigan Compiled Laws, is amended to read
4 as follows:

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

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

8 (b) Be printed.

1 (c) State clearly each reason for the recall. Each reason
2 for the recall shall be based upon the officer's conduct during
3 his or her current term of office. The reason for the recall may
4 be typewritten.

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

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

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

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

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

1 reason stated in the petition and of the date of the meeting of
2 the board of county election commissioners to consider the clar-
3 ity of each reason. THE BOARD OF COUNTY ELECTION COMMISSIONERS,
4 NOT LATER THAN 5 DAYS AFTER RECEIPT OF A PETITION FOR THE RECALL
5 OF AN OFFICER, SHALL TRANSMIT TO THE OFFICER WHOSE RECALL IS
6 SOUGHT A COPY OF THE PETITION.

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

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

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