

SENATE BILL No. 139

January 31, 2007, Introduced by Senators VAN WOERKOM, KUIPERS, BIRKHOLZ, SWITALSKI and JANSEN and referred to the Committee on Campaign and Election Oversight.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 968. (1) If a petition is filed under section 960, the
2 board of county canvassers in the county where the petition is
3 filed shall conduct the canvass of the recall election. The canvass
4 of other recall elections shall be by the board of state
5 canvassers. ~~If~~**EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2), IF** a
6 board of canvassers determines that a majority of the votes are in
7 favor of recall, the board of canvassers immediately upon the
8 determination shall certify the result to the officer with whom the
9 recall petition was filed. Upon certification, the office is
10 vacant. The officer with whom the recall petition was filed shall,

1 immediately upon receipt of the certification, notify the clerk or
2 secretary of the electoral district or, if the electoral district
3 is a district library district, the district library board from
4 which the official was recalled and the recalled official of the
5 results of the recall election and the date and time of the
6 certification.

7 (2) IF THE OFFICER WHOSE RECALL IS SOUGHT IS AN OFFICER OF A
8 COUNTY, CITY, VILLAGE, TOWNSHIP, OR SCHOOL DISTRICT, THE BOARD OF
9 CANVASSERS SHALL NOT CERTIFY AS PROVIDED IN SUBSECTION (1) UNLESS
10 THE MAJORITY OF VOTES IS IN FAVOR OF RECALL AND THAT MAJORITY
11 TOTALS AT LEAST 1 VOTE MORE THAN THE VOTES CAST FOR THE OFFICER
12 WHOSE RECALL IS SOUGHT AT THE ELECTION AT WHICH THE OFFICER WAS
13 ELECTED FOR THAT TERM.