

MICHIGAN ELECTION LAW (EXCERPT)
Act 116 of 1954

***** 168.963.amended THIS AMENDED SECTION IS EFFECTIVE SEPTEMBER 28, 2015 *****

168.963.amended Sufficiency or insufficiency of recall petition; determination; notice; recall election; recall primary election; special recall election.

Sec. 963. (1) Within 35 days after the filing of the recall petition, the filing official with whom the recall petition is filed shall make an official declaration of the sufficiency or insufficiency of the recall petition. If the recall petition is determined to be insufficient, the filing official shall notify the person or organization sponsoring the recall of the insufficiency of the recall petition. It is not necessary to give notification unless the person or organization sponsoring the recall files with the filing official a written notice of sponsorship and a mailing address.

(2) If a recall petition is filed under section 960, immediately upon determining that the recall petition is sufficient, but not later than 35 days after the date of filing of the recall petition, the county clerk with whom the recall petition is filed shall call the recall election and proceed under sections 971c to 975. The recall election shall be held not less than 95 days after the date the recall petition is filed and shall be held on the next May regular election date or the next November regular election date, whichever occurs first.

(3) Except as otherwise provided in subsection (4), if a recall petition is filed under section 959, the filing official with whom the recall petition is filed shall call the recall primary election and proceed under sections 970b to 970g. The recall primary election shall be held on the next regular election date that is not less than 95 days after the date the recall petition is filed.

(4) If a recall petition is filed under section 959 demanding the recall of the governor, the filing official with whom the recall petition is filed shall call a special recall election and proceed under sections 975c to 975g. The special recall election shall be held not less than 95 days after the date the recall petition is filed and shall be held on the next May regular election date or the next August regular election date, whichever occurs first.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1976, Act 66, Imd. Eff. Apr. 2, 1976;—Am. 1978, Act 533, Imd. Eff. Dec. 21, 1978;—Am. 1982, Act 456, Imd. Eff. Dec. 30, 1982;—Am. 1999, Act 220, Eff. Mar. 10, 2000;—Am. 2003, Act 302, Eff. Jan. 1, 2005;—Am. 2005, Act 71, Imd. Eff. July 14, 2005;—Am. 2012, Act 417, Imd. Eff. Dec. 20, 2012;—Am. 2015, Act 99, Eff. Sept. 28, 2015.

Compiler's note: Enacting section 4 of Act 71 of 2005 provides:

"Enacting section 4. If any portion of this amendatory act or the application of this amendatory act to any person or circumstances is found invalid by a court, the invalidity shall not affect the remaining portions or applications of this amendatory act that can be given effect without the invalid portion or application, if the remaining portions are not determined by the court to be inoperable, and to this end this amendatory act is declared to be severable."

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