



SENATE BILL No. 753

November 7, 1995, Introduced by Senators CONROY, YOUNG, GAST, CHERRY, A. SMITH, HART, BERRYMAN, KOIVISTO, VAUGHN, STALLINGS, SCHWARZ, DINGELL and MILLER 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 "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 FOR REASONS OF MISFEASANCE, MALFEASANCE,
3 OR NONFEASANCE IN OFFICE AND SHALL BE based upon the officer's
4 conduct during his or her current term of office. The reason for
5 the recall may be typewritten.

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

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

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

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

26 (4) The board of county election commissioners, not later
27 than 24 hours after receipt of a petition for the recall of an

1 officer, shall notify the officer whose recall is sought of each
2 reason stated in the petition and of the date of the meeting of
3 the board of county election commissioners to consider the clar-
4 ity of each reason.

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

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

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