

HOUSE BILL No. 4221

February 9, 1999, Introduced by Reps. LaSata, Sheltroun, Green, Julian, Tabor, Middaugh, Kukuk, DeWeese, Mortimer, Garcia, Stamas, Pumford and Vear and referred to the Committee on Constitutional Law and Ethics.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 952 (MCL 168.952), as amended by 1993 PA 137.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

4 (b) Be printed.

5 (c) State clearly each reason for the recall. Each reason
6 for the recall shall be FOR REASONS OF MISFEASANCE, MALFEASANCE,
7 OR NONFEASANCE IN OFFICE AND SHALL BE based upon the officer's
8 conduct during his or her current term of office. The reason for
9 the recall may be typewritten.

1 (d) Contain a certificate of the circulator. The
2 certificate of the circulator may be printed on the reverse side
3 of the petition.

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

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

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

21 (4) The board of county election commissioners, not later
22 than 24 hours after receipt of a petition for the recall of an
23 officer, shall notify the officer whose recall is sought of each
24 reason stated in the petition and of the date of the meeting of
25 the board of county election commissioners to consider the clar-
26 ity of each reason.

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

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

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