

# HOUSE BILL No. 5965

April 25, 2006, Introduced by Reps. Ball, Schuitmaker, Acciavatti and Jones and referred to the Committee on House Oversight, Elections, and Ethics.

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending sections 951, 952, and 957 (MCL 168.951, 168.952, and 168.957), section 951 as amended by 1993 PA 45 and section 952 as amended by 1993 PA 137, and by adding section 952b.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 951. Every elective officer in the state, except a  
2       judicial officer, is subject to recall by the voters of the  
3       electoral district in which the officer is elected as provided in  
4       this chapter. A **RECALL** petition shall not be filed **NOR SHALL RECALL**  
5       **PETITION SIGNATURES BE COLLECTED** against an officer until the  
6       officer has actually performed the duties of the office to which  
7       elected for a period of 6 months during the current term of that

1 office. A **RECALL** petition shall not be filed against an officer  
2 during the last 6 months of the officer's term of office. An  
3 officer sought to be recalled shall continue to perform **THE** duties  
4 of ~~the~~ **HIS OR HER** office until the result of the recall election  
5 is certified.

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

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

9 (b) Be printed.

10 (c) State clearly each reason for the recall. Each reason for  
11 the recall shall be based upon the officer's conduct during his or  
12 her current term of office. The reason for the recall may be  
13 typewritten.

14 (d) Contain a certificate of the circulator. The certificate  
15 of the circulator may be printed on the reverse side of the  
16 petition.

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

18 (2) Before being circulated, a petition for the recall of an  
19 officer shall be submitted to the board of county election  
20 commissioners of the county in which the officer whose recall is  
21 sought resides. **A FILING FEE OF \$25.00 SHALL BE SUBMITTED WITH THE**  
22 **RECALL PETITION.**

23 (3) The board of county election commissioners, not less than  
24 10 days or more than 20 days after submission to it of a petition  
25 for the recall of an officer, shall meet and shall determine  
26 whether each reason for the recall stated in the petition is of  
27 sufficient clarity to enable the officer whose recall is sought and

1 the electors to identify the course of conduct that is the basis  
2 for the recall. Failure of the board of county election  
3 commissioners to comply with this subsection shall constitute a  
4 determination that each reason for the recall stated in the  
5 petition is of sufficient clarity to enable the officer whose  
6 recall is being sought and the electors to identify the course of  
7 conduct that is the basis for the recall.

8 (4) The board of county election commissioners, not later than  
9 24 hours after receipt of a petition for the recall of an officer,  
10 shall notify the officer whose recall is sought of each reason  
11 stated in the **RECALL** petition and of the date of the meeting of the  
12 board of county election commissioners to consider the clarity of  
13 each reason.

14 (5) The officer whose recall is sought and the sponsors of the  
15 **RECALL** petition may appear at the meeting and present arguments on  
16 the clarity of each reason.

17 (6) The determination by the board of county election  
18 commissioners may be appealed by the officer whose recall is sought  
19 or by the sponsors of the **RECALL** petition drive to the circuit  
20 court in the county. The appeal shall be filed not more than 10  
21 days after the determination of the board of county election  
22 commissioners.

23 (7) A **RECALL** petition that is determined to be of sufficient  
24 clarity under subsection ~~-(1)-~~ (3) or, if the determination under  
25 subsection ~~-(1)-~~ (3) is appealed pursuant to subsection (6), a  
26 **RECALL** petition that is determined by the circuit court to be of  
27 sufficient clarity is valid for 180 days following the last

determination of sufficient clarity under this section. A recall petition that is filed under section 959 or 960 after the 180-day period described in this subsection is not valid and shall not be accepted pursuant to section 961. This subsection does not prohibit a person from resubmitting a recall petition for a determination of sufficient clarity under this section.

**SEC. 952B. (1) THE REASONS FOR RECALL THAT ARE DETERMINED TO BE OF SUFFICIENT CLARITY UNDER SECTION 952 SHALL BE PERMANENTLY AFFIXED TO EACH RECALL PETITION THAT IS CIRCULATED FOR SIGNATURES.**

**(2) A PERSON SHALL NOT CIRCULATE A RECALL PETITION THAT DOES NOT COMPLY WITH SUBSECTION (1). A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.**

Sec. 957. (1) A person circulating a **RECALL** petition shall be a qualified and registered elector in the electoral district of the official sought to be recalled. ~~and~~

**(2) A PERSON CIRCULATING A RECALL PETITION** shall attach ~~thereto his~~ **TO THE RECALL PETITION A** certificate **OF THE CIRCULATOR** stating that he **OR SHE** is a qualified and registered elector in the electoral district of the official sought to be recalled and ~~shall state the city or the township wherein he resides and his post office address; further, that~~ **STATING HIS OR HER CITY OR TOWNSHIP AND POST OFFICE ADDRESS. IN ADDITION, THE CERTIFICATE OF THE CIRCULATOR SHALL INDICATE ALL OF THE FOLLOWING:**

**(A) THAT** signatures appearing upon the **RECALL** petition were not obtained through fraud, deceit, or misrepresentation. ~~and that~~

1           **(B) THAT** he **OR SHE** has neither caused nor permitted a person  
2 to sign the **RECALL** petition more than once and has no knowledge of  
3 a person signing the **RECALL** petition more than once. ~~—; that~~

4           **(C) THAT** all signatures to the **RECALL** petition were affixed in  
5 his **OR HER** presence. ~~—; and that~~

6           **(D) THAT** to the best of his **OR HER** knowledge, information, and  
7 belief, the signers of the **RECALL** petition are qualified and  
8 registered electors and **THAT** the signatures appearing ~~thereon~~ **ON**  
9 **THE RECALL PETITION** are the genuine signatures of the persons ~~of~~  
10 ~~whom they purport to be~~ **SIGNING THE RECALL PETITION.**

11           **(3)** A person who knowingly makes a false statement in the  
12 certificate ~~hereby required~~ **OF THE CIRCULATOR** is guilty of a  
13 misdemeanor **PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR**  
14 **A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.**