SUBSTITUTE FOR

HOUSE BILL NO. 6063

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 for

6 the recall shall be based upon the officer's conduct during his or

7 her current term of office. The reason for the recall may be

8 typewritten.

9   (d) Contain a certificate of the circulator. The certificate

10 of the circulator may be printed on the reverse side of the

1 petition.

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

3   (2) Before being circulated, a petition for the recall of an

4 officer shall be submitted to the board of county election

5 commissioners of the county in which the officer whose recall is

6 sought resides **TO DETERMINE IF THE PETITION IS OF SUFFICIENT**

7 **CLARITY. A PETITION FOR THE RECALL OF AN OFFICER SHALL NOT BE**

8 **SUBMITTED TO THE BOARD OF COUNTY ELECTION COMMISSIONERS TO**

9 **DETERMINE IF THE PETITION IS OF SUFFICIENT CLARITY UNTIL THE**

10 **OFFICER HAS ACTUALLY PERFORMED THE DUTIES OF THE OFFICE TO WHICH**

11 **ELECTED FOR A PERIOD OF 6 MONTHS DURING THE CURRENT TERM OF THAT**

12 **OFFICE. IN ADDITION, A PETITION FOR THE RECALL OF AN OFFICER SHALL**

13 **NOT BE SUBMITTED TO THE BOARD OF COUNTY ELECTION COMMISSIONERS TO**

14 **DETERMINE IF THE PETITION IS OF SUFFICIENT CLARITY DURING THE LAST**

15 **6 MONTHS OF THE OFFICER'S TERM OF OFFICE.**

16   (3) The board of county election commissioners, not less than

17 10 days or more than 20 days after submission to it of a petition

18 for the recall of an officer, shall meet and shall determine

19 whether each reason for the recall stated in the petition is of

20 sufficient clarity to enable the officer whose recall is sought and

21 the electors to identify the course of conduct that is the basis

22 for the recall. Failure of the board of county election

23 commissioners to comply with this subsection shall constitute a

24 determination that each reason for the recall stated in the

25 petition is of sufficient clarity to enable the officer whose

26 recall is being sought and the electors to identify the course of

27 conduct that is the basis for the recall.

1   (4) The board of county election commissioners, not later than

2 24 hours after receipt of a petition for the recall of an officer,

3 shall notify the officer whose recall is sought of each reason

4 stated in the **RECALL** petition and of the date of the meeting of the

5 board of county election commissioners to consider the clarity of

6 each reason.

7   (5) The officer whose recall is sought and the sponsors of the

8 **RECALL** petition may appear at the meeting and present arguments on

9 the clarity of each reason.

10   (6) The determination by the board of county election

11 commissioners may be appealed by the officer whose recall is sought

12 or by the sponsors of the **RECALL** petition drive to the circuit

13 court in the county. The appeal shall be filed not more than 10

14 days after the determination of the board of county election

15 commissioners.

16   (7) A **RECALL** petition that is determined to be of sufficient

17 clarity under subsection ~~(1)~~ **(3)** or, if the determination under

18 subsection ~~(1)~~ **(3)** is appealed ~~pursuant to~~ **UNDER** subsection (6), a

19 **RECALL** petition that is determined by the circuit court to be of

20 sufficient clarity is valid for 180 days following the last

21 determination of sufficient clarity under this section. A recall

22 petition that is filed under section 959 or 960 after the 180-day

23 period described in this subsection is not valid and shall not be

24 accepted ~~pursuant to~~ **UNDER** section 961. This subsection does not

25 prohibit a person from resubmitting a recall petition for a

26 determination of sufficient clarity under this section.