

HOUSE BILL No. 6059

November 28, 2012, Introduced by Reps. Farrington, LaFontaine, Forlini, Goike, Lane, Liss and Haugh and referred to the Committee on Redistricting and Elections.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 963, 968, 969, 972, and 975 (MCL 168.963, 168.968, 168.969, 168.972, and 168.975), section 963 as amended by 2005 PA 71, section 968 as amended by 1989 PA 26, and section 972 as amended by 2004 PA 298, and by adding sections 971a and 973a; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 963. (1) Within 35 days after the filing of the recall
2 petition, the filing official with whom the recall petition is
3 filed shall make an official declaration of the sufficiency or
4 insufficiency of the **RECALL** petition. If the recall petition is
5 determined to be insufficient, the filing official shall notify the
6 person or organization sponsoring the recall of the insufficiency
7 of the **RECALL** petition. It is not necessary to give notification

1 unless the person or organization sponsoring the recall files with
2 the filing official a written notice of sponsorship and a mailing
3 address.

4 (2) Immediately upon determining that the **RECALL** petition is
5 sufficient, but not later than 35 days after the date of filing of
6 the **RECALL** petition, the county clerk with whom the **RECALL** petition
7 is filed shall call the ~~special-**RECALL**~~ election. ~~to determine~~
8 ~~whether the electors will recall the officer whose recall is~~
9 ~~sought.~~ The **RECALL** election shall be held on the next regular
10 election date that is not less than 95 days after the date the
11 **RECALL** petition is filed.

12 (3) If a **RECALL** petition is filed under section 959, the
13 filing official with whom the **RECALL** petition is filed shall call
14 the ~~special-**RECALL**~~ election. The **RECALL** election shall be held on
15 the next regular election date that is not less than 95 days after
16 the **RECALL** petition is filed.

17 Sec. 968. If a **RECALL** petition is filed under section 960, the
18 board of county canvassers in the county where the **RECALL** petition
19 is filed shall conduct the canvass of the recall election. The
20 canvass of other recall elections shall be by the board of state
21 canvassers. ~~If a board of canvassers determines that a majority of~~
22 ~~the votes are in favor of recall, the board of canvassers~~
23 ~~immediately upon the determination shall certify the result to the~~
24 ~~officer with whom the recall petition was filed. Upon~~
25 ~~certification, the office is vacant. The officer with whom the~~
26 ~~recall petition was filed shall immediately upon receipt of the~~
27 ~~certification notify the clerk or secretary of the electoral~~

1 ~~district or, if the electoral district is a district library~~
2 ~~district, the district library board from which the official was~~
3 ~~recalled and the recalled official of the results of the recall~~
4 ~~election and the date and time of the certification.~~

5 Sec. 969. After filing ~~such~~ **A** recall petition and after ~~such~~
6 ~~special~~ **A RECALL** election **UNDER THIS CHAPTER**, no further recall
7 petition shall be filed against the same incumbent of ~~such~~ **THAT**
8 office during the term for which he **OR SHE** is elected. ~~unless such~~
9 ~~further petitioners shall first pay into the public treasury, which~~
10 ~~has paid such election expenses, the whole amount of election~~
11 ~~expenses for the preceding special election held for the recall of~~
12 ~~said incumbent.~~

13 **SEC. 971A. UNLESS THE INCUMBENT DECLINES WITHIN 10 DAYS AFTER**
14 **THE FILING OF A RECALL PETITION, THE INCUMBENT SHALL, WITHOUT**
15 **FILING, BE DEEMED TO HAVE FILED FOR THE RECALL ELECTION AND HIS OR**
16 **HER NAME SHALL APPEAR ON THE RECALL ELECTION BALLOT.**

17 Sec. 972. (1) Except as provided in subsection (2) **AND SECTION**
18 **971A, IF THE RECALL ELECTION INVOLVES A NONPARTISAN OFFICE,** a
19 candidate for a ~~THAT~~ nonpartisan office shall be nominated and
20 voted for in an ~~THE RECALL~~ election ~~scheduled under section 971~~ by
21 filing a nominating petition or paying a \$100.00 nonrefundable fee
22 not later than 4 p.m. on the ~~fifteenth~~ **TENTH** day after the clerk of
23 ~~the county where the petition was filed announces the official~~
24 ~~result of the recall election. The clerk shall publicly announce~~
25 ~~the result of the recall election at the conclusion of the meeting~~
26 ~~held by the board of county canvassers to certify the recall~~
27 ~~election.~~ **FILING OFFICIAL WITH WHOM THE RECALL PETITION IS FILED**

1 **CALLS THE RECALL ELECTION.** The nominating petition shall be filed
 2 with the clerk of the electoral district and signed by a number of
 3 qualified and registered electors of the electoral district as
 4 determined under section 544f. Instead of filing a nominating
 5 petition, an individual may become a candidate by paying a \$100.00
 6 nonrefundable fee with the clerk of the electoral district.

7 (2) This subsection applies to an ~~A RECALL~~ election ~~to fill a~~
 8 ~~vacancy for an unexpired term created by a recall of a~~ **INVOLVING A**
 9 school board member, if the **RECALL** election is scheduled to be held
 10 on the same date as a general election. A nominating petition filed
 11 by a candidate shall be signed by a number of qualified and
 12 registered electors of the school district as determined under
 13 section 303. The nominating petition shall ~~clearly state that it~~
 14 ~~relates to the filling of a vacancy for an unexpired term and shall~~
 15 be filed with the school district election coordinator, as
 16 designated by section 301, not later than 4 p.m. on the ~~fifteenth~~
 17 **TENTH** day after the ~~clerk of the county where the petition was~~
 18 ~~filed announces the official result of the recall election. The~~
 19 ~~clerk shall publicly announce the result of the recall election at~~
 20 ~~the conclusion of the meeting held by the board of county~~
 21 ~~canvassers to certify the recall election.~~ **FILING OFFICIAL WITH**
 22 **WHOM THE RECALL PETITION IS FILED CALLS THE RECALL ELECTION.**

23 Instead of filing a nominating petition, an individual may become a
 24 candidate by paying a \$100.00 nonrefundable fee to the school
 25 district election coordinator.

26 **SEC. 973A. (1) SUBJECT TO SUBSECTION (2), IF THE RECALL**
 27 **ELECTION INVOLVES A PARTISAN OFFICE, A POLITICAL PARTY CANDIDATE**

1 SHALL BE NOMINATED FOR THAT PARTISAN OFFICE AS FOLLOWS:

2 (A) IF THE OFFICE IS IN A STATE OFFICE OR IN THE OFFICE OF
3 UNITED STATES SENATOR, THE STATE CENTRAL COMMITTEE OF THE POLITICAL
4 PARTY SHALL NOMINATE A CANDIDATE FOR THAT OFFICE.

5 (B) IF THE OFFICE IS IN A COUNTY OFFICE OR IN A DISTRICT
6 OFFICE WITHIN AN ELECTORAL DISTRICT OF 1 COUNTY, THE COUNTY
7 EXECUTIVE COMMITTEE OF THE POLITICAL PARTY SHALL NOMINATE A
8 CANDIDATE FOR THAT OFFICE.

9 (C) IF THE OFFICE IS IN A DISTRICT OFFICE WITHIN AN ELECTORAL
10 DISTRICT IN LESS THAN 1 COUNTY AND 3 OR MORE MEMBERS OF THE COUNTY
11 EXECUTIVE COMMITTEE OF A POLITICAL PARTY RESIDE IN THE ELECTORAL
12 DISTRICT, THE MEMBERS OF THE COUNTY EXECUTIVE COMMITTEE OF THE
13 POLITICAL PARTY RESIDING IN THE ELECTORAL DISTRICT SHALL NOMINATE A
14 CANDIDATE FOR THAT OFFICE. IF THE OFFICE IS IN A DISTRICT OFFICE
15 WITHIN AN ELECTORAL DISTRICT IN LESS THAN 1 COUNTY AND LESS THAN 3
16 MEMBERS OF THE COUNTY EXECUTIVE COMMITTEE OF A POLITICAL PARTY
17 RESIDE IN THE ELECTORAL DISTRICT, THE COUNTY EXECUTIVE COMMITTEE OF
18 THE POLITICAL PARTY SHALL NOMINATE A CANDIDATE FOR THAT OFFICE.

19 (D) IF THE OFFICE IS IN A DISTRICT OFFICE HAVING AN ELECTORAL
20 DISTRICT IN MORE THAN 1 COUNTY, THE MEMBERS OF THE SEVERAL COUNTY
21 EXECUTIVE COMMITTEES OF THE POLITICAL PARTY RESIDING IN THOSE PARTS
22 OF THE COUNTIES THAT ARE IN THE DISTRICT SHALL NOMINATE A CANDIDATE
23 FOR THAT OFFICE.

24 (E) IF THE OFFICE IS IN A WARD OR TOWNSHIP OFFICE AND 3 OR
25 MORE MEMBERS OF THE COUNTY EXECUTIVE COMMITTEE OF A POLITICAL PARTY
26 RESIDE IN THE WARD OR TOWNSHIP, THE MEMBERS OF THE COUNTY EXECUTIVE
27 COMMITTEE OF THE POLITICAL PARTY RESIDING IN THAT WARD OR TOWNSHIP

1 SHALL NOMINATE A CANDIDATE FOR THAT OFFICE. IF THE OFFICE IS IN A
2 WARD OR TOWNSHIP OFFICE AND LESS THAN 3 MEMBERS OF THE COUNTY
3 EXECUTIVE COMMITTEE OF A POLITICAL PARTY RESIDE IN THE WARD OR
4 TOWNSHIP, THE COUNTY EXECUTIVE COMMITTEE OF THE POLITICAL PARTY
5 SHALL NOMINATE A CANDIDATE FOR THAT OFFICE.

6 (2) IF THE INCUMBENT CANDIDATE DECLINES TO BE A CANDIDATE AT
7 THE RECALL ELECTION AS PROVIDED IN SECTION 971A, THE POLITICAL
8 PARTY OF THAT INCUMBENT CANDIDATE SHALL NOMINATE A CANDIDATE USING
9 THE NOMINATING PROCEDURE AS PROVIDED IN SUBSECTION (1).

10 (3) EACH NOMINATION BY A COMMITTEE UNDER SUBSECTION (1) SHALL
11 BE CERTIFIED TO THE OFFICER WITH WHOM THE RECALL PETITIONS WERE
12 FILED WITHIN 10 DAYS AFTER THE CALLING OF THE RECALL ELECTION.

13 Sec. 975. The candidate receiving the highest number of votes
14 ~~for the vacancy created on such recall should be considered duly~~ IN
15 **THE RECALL ELECTION IS** elected for the remainder of the term.

16 Enacting section 1. Sections 966, 970, 971, 973, and 974 of
17 the Michigan election law, 1954 PA 116, MCL 168.966, 168.970,
18 168.971, 168.973, and 168.974, are repealed.