

HOUSE BILL No. 4560

March 11, 2009, Introduced by Rep. Ball and referred to the Committee on Ethics and Elections.

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~~**THIS** 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
8 office. A **RECALL** petition shall not be filed against an officer

1 during the last 6 months of the officer's term of office. An
2 officer sought to be recalled shall continue to perform **THE** duties
3 of ~~the~~ **HIS OR HER** office until the result of the recall election is
4 certified.

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

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

8 (b) Be printed.

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

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

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

17 (2) Before being circulated, a petition for the recall of an
18 officer shall be submitted to the board of county election
19 commissioners of the county in which the officer whose recall is
20 sought resides. **A FILING FEE OF \$50.00 SHALL BE SUBMITTED WITH THE**
21 **RECALL PETITION. THE RECALL PETITION FILING FEE FILED WITH THE**
22 **BOARD OF COUNTY ELECTION COMMISSIONERS UNDER THIS SUBSECTION SHALL**
23 **BE PAID BY THAT BOARD OF COUNTY ELECTION COMMISSIONERS IN ITS**
24 **PROPORTIONATE SHARE TO THE TREASURER OF EACH GOVERNMENTAL UNIT**
25 **RESPONSIBLE FOR CONDUCTING THE RECALL ELECTION. IF THE RECALL**
26 **PETITION FILING FEE IS TO BE PAID BY THE BOARD OF COUNTY ELECTION**
27 **COMMISSIONERS TO A GOVERNMENTAL UNIT OTHER THAN THE COUNTY, THE**

**BOARD OF COUNTY ELECTION COMMISSIONERS SHALL WITHHOLD 10% OF THE
RECALL PETITION FILING FEE AS AN ADMINISTRATIVE FEE.**

(3) The board of county election commissioners, not less than 10 days or more than 20 days after submission to it of a petition for the recall of an officer, shall meet and shall determine whether each reason for the recall stated in the petition is of sufficient clarity to enable the officer whose recall is sought and the electors to identify the course of conduct that is the basis for the recall. Failure of the board of county election commissioners to comply with this subsection shall constitute a determination that each reason for the recall stated in the petition is of sufficient clarity to enable the officer whose recall is being sought and the electors to identify the course of conduct that is the basis for the recall.

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

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

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

1 days after the determination of the board of county election
2 commissioners.

3 (7) A **RECALL** petition that is determined to be of sufficient
4 clarity under subsection ~~(1)~~ **(3)** or, if the determination under
5 subsection ~~(1)~~ **(3)** is appealed pursuant to subsection (6), a **RECALL**
6 petition that is determined by the circuit court to be of
7 sufficient clarity is valid for ~~180~~ **90** days following the last
8 determination of sufficient clarity under this section. A recall
9 petition that is filed under section 959 or 960 after the ~~180-day~~
10 **90-DAY** period described in this subsection is not valid and shall
11 not be accepted pursuant to section 961. This subsection does not
12 prohibit a person from resubmitting a recall petition for a
13 determination of sufficient clarity under this section.

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

17 **(2) A PERSON SHALL NOT CIRCULATE A RECALL PETITION THAT DOES**
18 **NOT COMPLY WITH SUBSECTION (1). ANY SIGNATURE COLLECTED ON A RECALL**
19 **PETITION THAT DOES NOT COMPLY WITH SUBSECTION (1) OR ANY OTHER**
20 **PROVISION OF THIS ACT SHALL NOT BE COUNTED.**

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

24 **(2) A PERSON CIRCULATING A RECALL PETITION** shall attach
25 ~~thereto his~~ **TO THE RECALL PETITION A certificate OF THE CIRCULATOR**
26 stating that he **OR SHE** is a qualified and registered elector in the
27 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~~

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

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

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

(3) A person who knowingly makes a false statement in the
certificate ~~hereby required~~ **OF THE CIRCULATOR** 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.