

# SENATE BILL No. 1494

September 15, 2010, Introduced by Senators CHERRY and OLSHOVE and referred to the Committee on Campaign and Election Oversight.

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.

7 (3) The board of county election commissioners, not less than  
8 10 days or more than 20 days after submission to it of a petition  
9 for the recall of an officer, shall meet and shall determine  
10 whether each reason for the recall stated in the petition is of  
11 sufficient clarity to enable the officer whose recall is sought and  
12 the electors to identify the course of conduct that is the basis  
13 for the recall. Failure of the board of county election  
14 commissioners to comply with this subsection shall constitute a  
15 determination that each reason for the recall stated in the  
16 petition is of sufficient clarity to enable the officer whose  
17 recall is being sought and the electors to identify the course of  
18 conduct that is the basis for the recall.

19 (4) The board of county election commissioners, not later than  
20 24 hours after receipt of a petition for the recall of an officer,  
21 shall notify the officer whose recall is sought of each reason  
22 stated in the **RECALL** petition and of the date of the meeting of the  
23 board of county election commissioners to consider the clarity of  
24 each reason.

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

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

7           (7) A **RECALL** petition that is determined to be of sufficient  
8 clarity under subsection ~~(1)~~-(3) or, if the determination under  
9 subsection ~~(1)~~-(3) is appealed pursuant to subsection (6), a **RECALL**  
10 petition that is determined by the circuit court to be of  
11 sufficient clarity is valid for ~~180~~-90 days following the last  
12 determination of sufficient clarity under this section. A recall  
13 petition that is filed under section 959 or 960 after the ~~180-day~~  
14 **90-DAY** period described in this subsection is not valid and shall  
15 not be accepted pursuant to section 961. This subsection does not  
16 prohibit a person from resubmitting a recall petition for a  
17 determination of sufficient clarity under this section.