

**SUBSTITUTE FOR
HOUSE BILL NO. 6058**

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 952 and 961 (MCL 168.952 and 168.961), section
952 as amended by 1993 PA 137 and section 961 as amended by 2005 PA
71.

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

1 typewritten.

2 (d) Contain a certificate of the circulator. The certificate
3 of the circulator may be printed on the reverse side of the
4 petition.

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

6 (2) Before being circulated, a petition for the recall of an
7 officer shall be submitted to the board of county election
8 commissioners of the county in which the officer whose recall is
9 sought resides.

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

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

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

4 (6) The determination by the board of county election
5 commissioners may be appealed by the officer whose recall is sought
6 or by the sponsors of the **RECALL** petition drive to the circuit
7 court in the county. The appeal shall be filed not more than 10
8 days after the determination of the board of county election
9 commissioners. **IF A DETERMINATION OF THE BOARD OF COUNTY ELECTION**
10 **COMMISSIONERS IS APPEALED TO THE CIRCUIT COURT IN THE COUNTY, THE**
11 **RECALL PETITION IS NOT VALID FOR CIRCULATION AND SHALL NOT BE**
12 **CIRCULATED UNTIL A DETERMINATION OF SUFFICIENT CLARITY IS MADE BY**
13 **THE CIRCUIT COURT OR UNTIL [40] DAYS AFTER THE DATE OF THE APPEAL,**
14 **WHICHEVER IS SOONER.**

15 (7) A PETITION IS NOT VALID FOR CIRCULATION IF AT ANY TIME A
16 CIRCUIT COURT DETERMINES THE RECALL PETITION IS NOT OF SUFFICIENT
17 CLARITY.

18 (8) ~~(7) A petition that is determined to be of sufficient~~
19 ~~clarity under subsection (1) or, if the determination under~~
20 ~~subsection (1) is appealed pursuant to subsection (6), a petition~~
21 ~~that is determined by the circuit court to be of sufficient clarity~~
22 **A RECALL PETITION is valid for 180 days following the last**
23 ~~determination of sufficient clarity under this section. AFTER~~
24 **EITHER OF THE FOLLOWING, WHICHEVER OCCURS LATER:**

25 (A) THE DATE OF DETERMINATION OF SUFFICIENT CLARITY BY THE
26 BOARD OF COUNTY ELECTION COMMISSIONERS.

27 (B) THE SOONER OF THE FOLLOWING:

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1 (i) THE DATE OF DETERMINATION OF SUFFICIENT CLARITY BY THE
2 CIRCUIT COURT.

3 (ii) SUBJECT TO SUBSECTION (7), [40] DAYS AFTER THE DATE OF THE
4 APPEAL UNDER SUBSECTION (6).

5 (9) A recall petition that is filed under section 959 or 960
6 after the 180-day period described in ~~this~~ subsection (8) is not
7 valid and shall not be accepted pursuant to ~~BY THE FILING OFFICIAL~~
8 **UNDER** section 961. This subsection does not prohibit a person from
9 resubmitting a recall petition for a determination of sufficient
10 clarity under this section.

11 Sec. 961. (1) A recall petition shall be filed with the filing
12 officer provided in section 959 or 960. The filing official shall
13 give a receipt showing the date of filing, the number of **RECALL**
14 petition sheets filed, and the number of signatures claimed by the
15 filer. This shall constitute the total filing, and additional
16 **RECALL** petition sheets for this filing shall not be accepted by the
17 filing official.

18 (2) Within 7 days after a recall petition is filed, the filing
19 official with whom the **RECALL** petition was filed shall examine the
20 recall petition. The filing official shall determine if the recall
21 petition is in proper form and shall determine the number of
22 signatures of the **RECALL** petition. In determining the number of
23 signatures, the filing official shall not count signatures on a
24 **RECALL** petition sheet if 1 or more of the following apply:

25 (a) The execution of the certificate of circulator is not in
26 compliance with this act.

27 (b) The heading of the **RECALL** petition sheet is improperly

1 completed.

2 (c) The reasons for recall are different than those determined
3 by the board of county election commissioners **OR THE CIRCUIT COURT**
4 to be of sufficient clarity to enable the officer whose recall is
5 sought and the electors to identify the course of conduct which is
6 the basis for this recall.

7 (d) The signature was obtained before the date of
8 determination by the board of county election commissioners **OR THE**
9 **CIRCUIT COURT, WHICHEVER OCCURS LATER**, or more than 90 days before
10 the filing of the petition.

11 (3) If the filing official determines that the form of the
12 **RECALL** petition is improper or that the number of signatures is
13 less than the minimum number required in section 955, the filing
14 official shall proceed as provided in section 963(1).

15 (4) If the filing official determines that the number of
16 signatures is in excess of the minimum number required in section
17 955, the filing official shall determine the validity of the
18 signatures by verifying the registration of signers ~~pursuant to~~
19 **UNDER** subsection (6) and may determine the genuineness of
20 signatures ~~pursuant to~~ **UNDER** subsection (7) or shall forward each
21 **RECALL** petition sheet to the clerk of the city or township
22 appearing on the head of the **RECALL** petition sheet. However, the
23 **RECALL** petition shall not be forwarded to the secretary of a school
24 district.

25 (5) The city or township clerk shall determine the validity of
26 the signatures by verifying the registration of signers ~~pursuant to~~
27 **UNDER** subsection (6) and may determine the genuineness of

1 signatures ~~pursuant to~~ **UNDER** subsection (7). Within 15 days after
2 receipt of the **RECALL** petition, the city or township clerk shall
3 attach to the **RECALL** petition a certificate indicating the number
4 of signers on each **RECALL** petition sheet that are registered
5 electors in the city or township and in the governmental unit for
6 which the recall is sought. The certificate shall be on a form
7 approved by the secretary of state and may be a part of the **RECALL**
8 petition sheet. If the recall petition is for the recall of a
9 village official, the county clerk shall forward the **RECALL**
10 petition to the clerk of the village, and the duties and
11 responsibilities of the city or township clerk as set forth in this
12 section shall be performed by the village clerk.

13 (6) The qualified voter file shall be used to determine the
14 validity of **RECALL** petition signatures by verifying the
15 registration of signers. If the qualified voter file indicates
16 that, on the date the elector signed the **RECALL** petition, the
17 elector was not registered to vote, there is a rebuttable
18 presumption that the signature is invalid. If the qualified voter
19 file indicates that, on the date the elector signed the **RECALL**
20 petition, the elector was not registered to vote in the city or
21 township designated on the **RECALL** petition, there is a rebuttable
22 presumption that the signature is invalid.

23 (7) The qualified voter file shall be used to determine the
24 genuineness of a challenged petition signature appearing on a
25 recall petition. Signature comparisons shall be made with the
26 digitized signature in the qualified voter file. If the qualified
27 voter file does not contain a digitized signature of an elector,

- 1 the official with whom the recall petition was filed shall compare
- 2 the challenged signature to the signature on the master card.