

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 6060**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 23, 951, 952, 961, 963, 967, 968, 969, 972, 974, and 975 (MCL 168.23, 168.951, 168.952, 168.961, 168.963, 168.967, 168.968, 168.969, 168.972, 168.974, and 168.975), section 23 as amended by 1982 PA 456, section 951 as amended by 1993 PA 45, section 952 as amended by 1993 PA 137, sections 961 and 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 951a, 970a, 970b, 970c, 970e, 970g, 971a, 971c, 973a, 975a, 975c, 975e, 975g, and 977; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 23. (1) The chief or only judge of probate of the county

1 or probate court district, the county clerk, and the county
2 treasurer shall constitute a board of county election commissioners
3 for each county, 2 of whom shall be a quorum for the transaction of
4 business. The chief or only judge of probate of the county or
5 probate court district and the county clerk shall act respectively
6 as chairperson and secretary of the board. In the absence or
7 disqualification of the county clerk from any meeting of the board
8 of **COUNTY** election commissioners, the board may select 1 of the
9 county clerk's deputies to act in the county clerk's place. In the
10 absence or disqualification of any member of the board of **COUNTY**
11 election commissioners other than the county clerk, the members of
12 the board who are present shall appoint some other county officer
13 in the absent or disqualified member's place, and the appointed
14 county officer, on being notified, shall attend without delay and
15 act as a member of the board.

16 (2) If a member of the board is involved in the recall of an
17 officer, either by assisting in the preparation of the petition for
18 recall or by being an officer whose recall is sought, then the
19 member of the board shall be disqualified with respect to any
20 determination ~~as to clarity~~ **UNDER SECTION 952** and shall be replaced
21 as provided in this section.

22 Sec. 951. (1) ~~Every~~ **EACH** elective officer, ~~in the state,~~
23 except a judicial officer, is subject to recall by the voters of
24 the electoral district in which the officer is elected as provided
25 in this chapter. ~~A~~ **IF AN OFFICER'S TERM OF OFFICE IS 2 YEARS OR**
26 **LESS, A RECALL** petition shall not be filed against ~~an~~ **THE** officer
27 until the officer has actually performed the duties of the office

1 to which elected for a period of 6 months during the current term
2 of that office ~~—A~~ AND A RECALL petition shall not be filed against
3 an officer during the last 6 months of the officer's term of
4 office. IF AN OFFICER'S TERM OF OFFICE IS MORE THAN 2 YEARS, A
5 RECALL PETITION SHALL NOT BE FILED AGAINST THE OFFICER UNTIL THE
6 OFFICER HAS ACTUALLY PERFORMED THE DUTIES OF THE OFFICE TO WHICH
7 ELECTED FOR A PERIOD OF 1 YEAR DURING THE CURRENT TERM OF OFFICE
8 AND A RECALL PETITION SHALL NOT BE FILED AGAINST AN OFFICER DURING
9 THE LAST 1 YEAR OF THE OFFICER'S TERM OF OFFICE. An officer sought
10 to be recalled shall continue to perform THE duties of ~~the~~ HIS OR
11 HER office until the result of the recall election is certified.

12 (2) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1), IF, ON
13 THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
14 SUBSECTION, LANGUAGE TO RECALL AN OFFICER HAS BEEN SUBMITTED AND
15 APPROVED UNDER SECTION 952, THEN A RECALL PETITION MAY BE FILED IF
16 THE OFFICER HAS ACTUALLY PERFORMED THE DUTIES OF HIS OR HER OFFICE
17 FOR A PERIOD OF 6 MONTHS AND IT IS NOT WITHIN THE LAST 6 MONTHS OF
18 THE TERM OF OFFICE, REGARDLESS OF THE OFFICER'S TERM OF OFFICE.

19 SEC. 951A. (1) A PETITION FOR THE RECALL OF AN OFFICER LISTED
20 IN SECTION 959 SHALL MEET ALL OF THE FOLLOWING REQUIREMENTS:

21 (A) COMPLY WITH SECTION 544C(1) AND (2).

22 (B) BE PRINTED.

23 (C) STATE FACTUALLY AND CLEARLY EACH REASON FOR THE RECALL.
24 EACH REASON FOR THE RECALL SHALL BE BASED UPON THE OFFICER'S
25 CONDUCT DURING HIS OR HER CURRENT TERM OF OFFICE. THE REASON FOR
26 THE RECALL MAY BE TYPEWRITTEN. IF ANY REASON FOR THE RECALL IS
27 BASED ON THE OFFICER'S CONDUCT IN CONNECTION WITH SPECIFIC

1 LEGISLATION, THE REASON FOR THE RECALL SHALL NOT MISREPRESENT THE
2 CONTENT OF THE SPECIFIC LEGISLATION.

3 (D) CONTAIN A CERTIFICATE OF THE CIRCULATOR. THE CERTIFICATE
4 OF THE CIRCULATOR MAY BE PRINTED ON THE REVERSE SIDE OF THE
5 PETITION.

6 (E) BE IN A FORM PRESCRIBED BY THE SECRETARY OF STATE.

7 (2) BEFORE BEING CIRCULATED, A PETITION FOR THE RECALL OF AN
8 OFFICER UNDER SUBSECTION (1) SHALL BE SUBMITTED TO THE BOARD OF
9 STATE CANVASSERS.

10 (3) THE BOARD OF STATE CANVASSERS, NOT LESS THAN 10 DAYS OR
11 MORE THAN 20 DAYS AFTER SUBMISSION TO IT OF A PETITION FOR THE
12 RECALL OF AN OFFICER UNDER SUBSECTION (1), SHALL MEET AND SHALL
13 DETERMINE BY AN AFFIRMATIVE VOTE OF 3 OF THE MEMBERS SERVING ON THE
14 BOARD OF STATE CANVASSERS WHETHER EACH REASON FOR THE RECALL STATED
15 IN THE PETITION IS FACTUAL AND OF SUFFICIENT CLARITY TO ENABLE THE
16 OFFICER WHOSE RECALL IS SOUGHT AND THE ELECTORS TO IDENTIFY THE
17 COURSE OF CONDUCT THAT IS THE BASIS FOR THE RECALL. IF ANY REASON
18 FOR THE RECALL IS NOT FACTUAL OR OF SUFFICIENT CLARITY, THE ENTIRE
19 RECALL PETITION SHALL BE REJECTED. FAILURE OF THE BOARD OF STATE
20 CANVASSERS TO MEET AS REQUIRED BY THIS SUBSECTION SHALL CONSTITUTE
21 A DETERMINATION THAT EACH REASON FOR THE RECALL STATED IN THE
22 PETITION IS FACTUAL AND OF SUFFICIENT CLARITY TO ENABLE THE OFFICER
23 WHOSE RECALL IS BEING SOUGHT AND THE ELECTORS TO IDENTIFY THE
24 COURSE OF CONDUCT THAT IS THE BASIS FOR THE RECALL.

25 (4) THE BOARD OF STATE CANVASSERS, NOT LATER THAN 24 HOURS
26 AFTER RECEIPT OF A PETITION FOR THE RECALL OF AN OFFICER AS
27 PROVIDED UNDER SUBSECTION (2), SHALL NOTIFY THE OFFICER WHOSE

1 RECALL IS SOUGHT OF EACH REASON STATED IN THE RECALL PETITION AND
2 OF THE DATE OF THE MEETING OF THE BOARD OF STATE CANVASSERS TO
3 CONSIDER WHETHER EACH REASON IS FACTUAL AND OF SUFFICIENT CLARITY.

4 (5) THE OFFICER WHOSE RECALL IS SOUGHT AND THE SPONSORS OF THE
5 RECALL PETITION MAY APPEAR AT THE MEETING AND PRESENT ARGUMENTS ON
6 WHETHER EACH REASON IS FACTUAL AND OF SUFFICIENT CLARITY.

7 (6) THE DETERMINATION BY THE BOARD OF STATE CANVASSERS MAY BE
8 APPEALED BY THE OFFICER WHOSE RECALL IS SOUGHT OR BY THE SPONSORS
9 OF THE RECALL PETITION DRIVE TO THE MICHIGAN COURT OF APPEALS. THE
10 APPEAL SHALL BE FILED NOT MORE THAN 10 DAYS AFTER THE DETERMINATION
11 OF THE BOARD OF STATE CANVASSERS. IF A DETERMINATION OF THE BOARD
12 OF STATE CANVASSERS IS APPEALED TO THE MICHIGAN COURT OF APPEALS,
13 THE RECALL PETITION IS NOT VALID FOR CIRCULATION AND SHALL NOT BE
14 CIRCULATED UNTIL A DETERMINATION OF WHETHER EACH REASON IS FACTUAL
15 AND OF SUFFICIENT CLARITY IS MADE BY THE MICHIGAN COURT OF APPEALS
16 OR UNTIL 40 DAYS AFTER THE DATE OF THE APPEAL, WHICHEVER IS SOONER.

17 (7) A PETITION IS NOT VALID FOR CIRCULATION IF AT ANY TIME THE
18 MICHIGAN COURT OF APPEALS DETERMINES THAT EACH REASON ON THE RECALL
19 PETITION IS NOT FACTUAL AND OF SUFFICIENT CLARITY.

20 (8) A RECALL PETITION IS VALID FOR 180 DAYS AFTER EITHER OF
21 THE FOLLOWING, WHICHEVER OCCURS LATER:

22 (A) THE DATE OF DETERMINATION OF WHETHER EACH REASON IS
23 FACTUAL AND OF SUFFICIENT CLARITY BY THE BOARD OF STATE CANVASSERS.

24 (B) THE SOONER OF THE FOLLOWING:

25 (i) THE DATE OF DETERMINATION OF WHETHER EACH REASON IS FACTUAL
26 AND OF SUFFICIENT CLARITY BY THE MICHIGAN COURT OF APPEALS.

27 (ii) SUBJECT TO SUBSECTION (7), 40 DAYS AFTER THE DATE OF THE

1 APPEAL UNDER SUBSECTION (6) .

2 (9) A RECALL PETITION THAT IS FILED AFTER THE 180-DAY PERIOD
3 DESCRIBED IN SUBSECTION (8) IS NOT VALID AND SHALL NOT BE ACCEPTED
4 BY THE FILING OFFICIAL UNDER SECTION 961. THIS SUBSECTION DOES NOT
5 PROHIBIT A PERSON FROM RESUBMITTING A RECALL PETITION FOR A
6 DETERMINATION OF SUFFICIENT CLARITY AND FACTUALNESS UNDER THIS
7 SECTION.

8 Sec. 952. (1) A petition for the recall of an officer **LISTED**
9 **IN SECTION 960** shall meet all of the following requirements:

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

11 (b) Be printed.

12 (c) State **FACTUALLY AND** clearly each reason for the recall.

13 Each reason for the recall shall be based upon the officer's
14 conduct during his or her current term of office. The reason for
15 the recall may be typewritten.

16 (d) Contain a certificate of the circulator. The certificate
17 of the circulator may be printed on the reverse side of the
18 petition.

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

20 (2) Before being circulated, a petition for the recall of an
21 officer **UNDER SUBSECTION (1)** shall be submitted to the board of
22 county election commissioners of the county in which the officer
23 whose recall is sought resides.

24 (3) The board of county election commissioners, not less than
25 10 days or more than 20 days after submission to it of a petition
26 for the recall of an officer **UNDER SUBSECTION (1)**, shall meet and
27 shall determine whether each reason for the recall stated in the

1 petition is **FACTUAL AND** of sufficient clarity to enable the officer
2 whose recall is sought and the electors to identify the course of
3 conduct that is the basis for the recall. **IF ANY REASON FOR THE**
4 **RECALL IS NOT FACTUAL OR OF SUFFICIENT CLARITY, THE ENTIRE RECALL**
5 **PETITION SHALL BE REJECTED.** Failure of the board of county election
6 commissioners to ~~comply with~~ **MEET AS REQUIRED BY** this subsection
7 shall constitute a determination that each reason for the recall
8 stated in the petition is **FACTUAL AND** of sufficient clarity to
9 enable the officer whose recall is being sought and the electors to
10 identify the course of conduct that is the basis for the recall.

11 (4) The board of county election commissioners, not later than
12 24 hours after receipt of a petition for the recall of an officer
13 **AS PROVIDED UNDER SUBSECTION (2)**, shall notify the officer whose
14 recall is sought of each reason stated in the **RECALL** petition and
15 of the date of the meeting of the board of county election
16 commissioners to consider ~~the clarity of~~ **WHETHER** each reason **IS**
17 **FACTUAL AND OF SUFFICIENT CLARITY.**

18 (5) The officer whose recall is sought and the sponsors of the
19 **RECALL** petition may appear at the meeting and present arguments on
20 ~~the clarity of~~ **WHETHER** each reason **IS FACTUAL AND OF SUFFICIENT**
21 **CLARITY.**

22 (6) The determination by the board of county election
23 commissioners may be appealed by the officer whose recall is sought
24 or by the sponsors of the **RECALL** petition drive to the circuit
25 court in the county. The appeal shall be filed not more than 10
26 days after the determination of the board of county election
27 commissioners. **IF A DETERMINATION OF THE BOARD OF COUNTY ELECTION**

1 COMMISSIONERS IS APPEALED TO THE CIRCUIT COURT IN THE COUNTY, THE
 2 RECALL PETITION IS NOT VALID FOR CIRCULATION AND SHALL NOT BE
 3 CIRCULATED UNTIL A DETERMINATION OF WHETHER EACH REASON IS FACTUAL
 4 AND OF SUFFICIENT CLARITY IS MADE BY THE CIRCUIT COURT OR UNTIL 40
 5 DAYS AFTER THE DATE OF THE APPEAL, WHICHEVER IS SOONER.

6 (7) A PETITION IS NOT VALID FOR CIRCULATION IF AT ANY TIME A
 7 CIRCUIT COURT DETERMINES THAT EACH REASON ON THE RECALL PETITION IS
 8 NOT FACTUAL AND OF SUFFICIENT CLARITY.

9 (8) ~~(7) A petition that is determined to be of sufficient~~
 10 ~~clarity under subsection (1) or, if the determination under~~
 11 ~~subsection (1) is appealed pursuant to subsection (6), a petition~~
 12 ~~that is determined by the circuit court to be of sufficient clarity~~
 13 A RECALL PETITION is valid for 180 days following the last
 14 determination of sufficient clarity under this section. AFTER
 15 EITHER OF THE FOLLOWING, WHICHEVER OCCURS LATER:

16 (A) THE DATE OF DETERMINATION OF WHETHER EACH REASON IS
 17 FACTUAL AND OF SUFFICIENT CLARITY BY THE BOARD OF COUNTY ELECTION
 18 COMMISSIONERS.

19 (B) THE SOONER OF THE FOLLOWING:

20 (i) THE DATE OF DETERMINATION OF WHETHER EACH REASON IS FACTUAL
 21 AND OF SUFFICIENT CLARITY BY THE CIRCUIT COURT.

22 (ii) SUBJECT TO SUBSECTION (7), 40 DAYS AFTER THE DATE OF THE
 23 APPEAL UNDER SUBSECTION (6).

24 (9) A recall petition that is filed ~~under section 959 or 960~~
 25 after the 180-day period described in ~~this~~ subsection (8) is not
 26 valid and shall not be accepted pursuant to ~~BY THE FILING OFFICIAL~~
 27 UNDER section 961. This subsection does not prohibit a person from

1 resubmitting a recall petition for a determination of sufficient
2 clarity **AND FACTUALNESS** under this section.

3 Sec. 961. (1) A recall petition shall be filed with the filing
4 officer provided in section 959 or 960. The filing official shall
5 give a receipt showing the date of filing, the number of **RECALL**
6 petition sheets filed, and the number of signatures claimed by the
7 filer. This shall constitute the total filing, and additional
8 **RECALL** petition sheets for this filing shall not be accepted by the
9 filing official.

10 (2) Within 7 days after a recall petition is filed, the filing
11 official with whom the **RECALL** petition was filed shall examine the
12 recall petition. The filing official shall determine if the recall
13 petition is in proper form and shall determine the number of
14 signatures of the **RECALL** petition. In determining the number of
15 signatures, the filing official shall not count signatures on a
16 **RECALL** petition sheet if 1 or more of the following apply:

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

19 (b) The heading of the **RECALL** petition sheet is improperly
20 completed.

21 (c) The reasons for recall are different than those determined
22 **UNDER SECTION 951A BY THE BOARD OF STATE CANVASSERS OR THE MICHIGAN**
23 **COURT OF APPEALS OR UNDER SECTION 952** by the board of county
24 election commissioners **OR THE CIRCUIT COURT** to be **FACTUAL AND** of
25 sufficient clarity to enable the officer whose recall is sought and
26 the electors to identify the course of conduct which is the basis
27 for this recall.

1 (d) The signature was obtained before the date of
2 determination **AS PROVIDED UNDER SECTION 951A(8) BY THE BOARD OF**
3 **STATE CANVASSERS OR THE MICHIGAN COURT OF APPEALS, WHICHEVER OCCURS**
4 **LATER, OR AS PROVIDED UNDER SECTION 952(8)** by the board of county
5 election commissioners **OR THE CIRCUIT COURT, WHICHEVER OCCURS**
6 **LATER**, or more than ~~90~~60 days before the filing of the **RECALL**
7 petition.

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

12 (4) If the filing official determines that the number of
13 signatures is in excess of the minimum number required in section
14 955, the filing official shall determine the validity of the
15 signatures by verifying the registration of signers ~~pursuant to~~
16 **UNDER** subsection (6) and may determine the genuineness of
17 signatures ~~pursuant to~~ **UNDER** subsection (7) or shall forward each
18 **RECALL** petition sheet to the clerk of the city or township
19 appearing on the head of the **RECALL** petition sheet. However, the
20 **RECALL** petition shall not be forwarded to the secretary of a school
21 district.

22 (5) The city or township clerk shall determine the validity of
23 the signatures by verifying the registration of signers ~~pursuant to~~
24 **UNDER** subsection (6) and may determine the genuineness of
25 signatures ~~pursuant to~~ **UNDER** subsection (7). Within 15 days after
26 receipt of the **RECALL** petition, the city or township clerk shall
27 attach to the **RECALL** petition a certificate indicating the number

1 of signers on each **RECALL** petition sheet that are registered
2 electors in the city or township and in the governmental unit for
3 which the recall is sought. The certificate shall be on a form
4 approved by the secretary of state and may be a part of the **RECALL**
5 petition sheet. If the recall petition is for the recall of a
6 village official, the county clerk shall forward the **RECALL**
7 petition to the clerk of the village, and the duties and
8 responsibilities of the city or township clerk as set forth in this
9 section shall be performed by the village clerk.

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

20 (7) The qualified voter file shall be used to determine the
21 genuineness of a challenged petition signature appearing on a
22 recall petition. Signature comparisons shall be made with the
23 digitized signature in the qualified voter file. If the qualified
24 voter file does not contain a digitized signature of an elector,
25 the official with whom the recall petition was filed shall compare
26 the challenged signature to the signature on the master card.

27 Sec. 963. (1) Within 35 days after the filing of the recall

1 petition, the filing official with whom the recall petition is
2 filed shall make an official declaration of the sufficiency or
3 insufficiency of the **RECALL** petition. If the recall petition is
4 determined to be insufficient, the filing official shall notify the
5 person or organization sponsoring the recall of the insufficiency
6 of the **RECALL** petition. It is not necessary to give notification
7 unless the person or organization sponsoring the recall files with
8 the filing official a written notice of sponsorship and a mailing
9 address.

10 (2) ~~Immediately~~ **IF A RECALL PETITION IS FILED UNDER SECTION**
11 **960, IMMEDIATELY** upon determining that the **RECALL** petition is
12 sufficient, but not later than 35 days after the date of filing of
13 the **RECALL** petition, the county clerk with whom the **RECALL** petition
14 is filed shall call the ~~special~~ **RECALL** election ~~to determine~~
15 ~~whether the electors will recall the officer whose recall is~~
16 ~~sought.~~ **AND PROCEED UNDER SECTIONS 971C TO 975.** The **RECALL** election
17 shall be held ~~on the next regular election date that is not less~~
18 than 95 days after the date the **RECALL** petition is filed **AND SHALL**
19 **BE HELD ON THE NEXT MAY REGULAR ELECTION DATE OR THE NEXT NOVEMBER**
20 **REGULAR ELECTION DATE, WHICHEVER OCCURS FIRST.**

21 (3) ~~If~~ **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4), IF** a
22 **RECALL** petition is filed under section 959, the filing official
23 with whom the **RECALL** petition is filed shall call the ~~special~~
24 **RECALL PRIMARY** election **AND PROCEED UNDER SECTIONS 970B TO 970G.**
25 The **RECALL PRIMARY** election shall be held on the next regular
26 election date that is not less than 95 days after the **DATE THE**
27 **RECALL** petition is filed.

1 (4) IF A RECALL PETITION IS FILED UNDER SECTION 959 DEMANDING
2 THE RECALL OF THE GOVERNOR, THE FILING OFFICIAL WITH WHOM THE
3 RECALL PETITION IS FILED SHALL CALL A SPECIAL RECALL ELECTION AND
4 PROCEED UNDER SECTIONS 975C TO 975G. THE SPECIAL RECALL ELECTION
5 SHALL BE HELD NOT LESS THAN 95 DAYS AFTER THE DATE THE RECALL
6 PETITION IS FILED AND SHALL BE HELD ON THE NEXT FEBRUARY REGULAR
7 ELECTION DATE OR THE NEXT AUGUST REGULAR ELECTION DATE, WHICHEVER
8 OCCURS FIRST.

9 Sec. 967. The expenses of ~~the~~ **A SPECIAL RECALL ELECTION, A**
10 **RECALL PRIMARY ELECTION, A RECALL GENERAL ELECTION, OR A** recall
11 election shall be payable in the same manner as are the costs of a
12 regular election to fill the office in question.

13 Sec. 968. If a **RECALL** petition is filed under section 960, the
14 board of county canvassers in the county where the **RECALL** petition
15 is filed shall conduct the canvass of the recall election. The
16 canvass of other recall elections, **INCLUDING A SPECIAL RECALL**
17 **ELECTION AS PROVIDED UNDER SECTION 963(4)**, shall be by the board of
18 state canvassers. ~~If a board of canvassers determines that a~~
19 ~~majority of the votes are in favor of recall, the board of~~
20 ~~canvassers immediately upon the determination shall certify the~~
21 ~~result to the officer with whom the recall petition was filed. Upon~~
22 ~~certification, the office is vacant. The officer with whom the~~
23 ~~recall petition was filed shall immediately upon receipt of the~~
24 ~~certification notify the clerk or secretary of the electoral~~
25 ~~district or, if the electoral district is a district library~~
26 ~~district, the district library board from which the official was~~
27 ~~recalled and the recalled official of the results of the recall~~

1 ~~election and the date and time of the certification.~~

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

11 **SEC. 970A. SECTIONS 970B TO 970G APPLY TO THE RECALL PRIMARY**
12 **ELECTION AND RECALL GENERAL ELECTION FOR AN OFFICE LISTED IN**
13 **SECTION 959.**

14 **SEC. 970B. UNLESS THE INCUMBENT DECLINES WITHIN 10 DAYS AFTER**
15 **THE FILING OF A RECALL PETITION, THE INCUMBENT SHALL BE THE NOMINEE**
16 **OF THAT POLITICAL PARTY AT THE RECALL GENERAL ELECTION TO BE HELD**
17 **AS DESCRIBED IN SECTION 970E AND THAT POLITICAL PARTY SHALL NOT**
18 **CONDUCT A RECALL PRIMARY ELECTION AS DESCRIBED IN SECTIONS 970C AND**
19 **970E.**

20 **SEC. 970C. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2),**
21 **FOR THE RECALL PRIMARY ELECTION, A POLITICAL PARTY CANDIDATE MAY**
22 **QUALIFY FOR THE RECALL PRIMARY ELECTION BY FILING A NOMINATING**
23 **PETITION OR PAYING A \$100.00 NONREFUNDABLE FEE WITH THE SECRETARY**
24 **OF STATE NOT LATER THAN 4 P.M. ON THE TENTH DAY AFTER THE FILING**
25 **OFFICIAL WITH WHOM THE RECALL PETITION IS FILED CALLS THE RECALL**
26 **PRIMARY ELECTION. THE NOMINATING PETITION SHALL BE FILED WITH THE**
27 **SECRETARY OF STATE AND SIGNED BY 10% OF THE NUMBER OF SIGNATURES**

1 REQUIRED UNDER SECTION 544F.

2 (2) AS PROVIDED IN SECTION 970B, IF THE INCUMBENT IS THE
3 NOMINEE OF HIS OR HER POLITICAL PARTY AT THE RECALL GENERAL
4 ELECTION, AN INDIVIDUAL IN THE INCUMBENT'S POLITICAL PARTY IS NOT
5 ELIGIBLE AS A CANDIDATE FOR THE RECALL PRIMARY ELECTION AND THAT
6 POLITICAL PARTY SHALL NOT CONDUCT A RECALL PRIMARY ELECTION.

7 SEC. 970E. SUBJECT TO SECTION 970B, THE CANDIDATE OF EACH
8 POLITICAL PARTY RECEIVING THE GREATEST NUMBER OF VOTES CAST FOR
9 CANDIDATES AT THE RECALL PRIMARY ELECTION AS SET FORTH IN THE
10 REPORT OF THE BOARD OF STATE CANVASSERS, BASED ON THE RETURNS FROM
11 THE VARIOUS ELECTION PRECINCTS, SHALL BE DECLARED THE NOMINEE OF
12 THAT POLITICAL PARTY AT THE RECALL GENERAL ELECTION TO BE HELD ON
13 THE NEXT FEBRUARY REGULAR ELECTION DATE OR THE NEXT AUGUST REGULAR
14 ELECTION DATE, WHICHEVER OCCURS FIRST. IN ADDITION, EXCEPT AS
15 OTHERWISE PROVIDED IN THIS SECTION, A CANDIDATE WITHOUT A POLITICAL
16 PARTY AFFILIATION MAY QUALIFY FOR THE RECALL GENERAL ELECTION BY
17 FILING A QUALIFYING PETITION WITH THE OFFICER WITH WHOM THE RECALL
18 PETITIONS WERE FILED THAT CONTAINS 10% OF THE NUMBER OF SIGNATURES
19 REQUIRED UNDER SECTION 544F WITHIN 10 DAYS AFTER THE RECALL GENERAL
20 ELECTION IS SCHEDULED. AN INDIVIDUAL WHO WAS AN UNSUCCESSFUL
21 CANDIDATE IN THE RECALL PRIMARY ELECTION MAY NOT SUBSEQUENTLY FILE
22 A QUALIFYING PETITION AS A CANDIDATE WITHOUT A POLITICAL PARTY
23 AFFILIATION FOR THE RECALL GENERAL ELECTION.

24 SEC. 970G. THE CANDIDATE RECEIVING THE HIGHEST NUMBER OF VOTES
25 IN THE RECALL GENERAL ELECTION IS ELECTED FOR THE REMAINDER OF THE
26 TERM.

27 SEC. 971A. SECTIONS 971C TO 975 APPLY TO THE RECALL ELECTION

1 FOR AN OFFICE LISTED IN SECTION 960.

2 SEC. 971C. UNLESS THE INCUMBENT DECLINES WITHIN 10 DAYS AFTER
3 THE FILING OF A RECALL PETITION, THE INCUMBENT SHALL, WITHOUT
4 FILING, BE DEEMED TO HAVE FILED FOR THE RECALL ELECTION AND HIS OR
5 HER NAME SHALL APPEAR ON THE RECALL ELECTION BALLOT.

6 Sec. 972. (1) Except as provided in subsection (2) **AND SECTION**
7 **971C, IF THE RECALL ELECTION INVOLVES A NONPARTISAN OFFICE,** a
8 candidate for a ~~THAT~~ nonpartisan office shall be nominated and
9 voted for in an ~~THE RECALL~~ election ~~scheduled under section 971~~ by
10 filing a nominating petition or paying a \$100.00 nonrefundable fee
11 not later than 4 p.m. on the ~~fifteenth~~ **TENTH** day after the ~~clerk of~~
12 ~~the county where the petition was filed announces the official~~
13 ~~result of the recall election. The clerk shall publicly announce~~
14 ~~the result of the recall election at the conclusion of the meeting~~
15 ~~held by the board of county canvassers to certify the recall~~
16 ~~election.~~ **FILING OFFICIAL WITH WHOM THE RECALL PETITION IS FILED**
17 **CALLS THE RECALL ELECTION.** The nominating petition shall be filed
18 with the clerk of the electoral district and signed by a ~~10% OF THE~~
19 number of qualified and registered electors of the electoral
20 district as ~~determined~~ **REQUIRED** under section 544f. Instead of
21 filing a nominating petition, an individual may become a candidate
22 by paying a \$100.00 nonrefundable fee with the clerk of the
23 electoral district.

24 (2) This subsection applies to an ~~A RECALL~~ election ~~to fill a~~
25 ~~vacancy for an unexpired term created by a recall of a~~ **INVOLVING A**
26 school board member, if the **RECALL** election is scheduled to be held
27 on the same date as a general election. A nominating petition filed

1 by a candidate shall be signed by a number of qualified and
 2 registered electors of the school district as determined under
 3 section 303. The nominating petition shall ~~clearly state that it~~
 4 ~~relates to the filling of a vacancy for an unexpired term and shall~~
 5 be filed with the school district election coordinator, as
 6 designated by section 301, not later than 4 p.m. on the ~~fifteenth~~
 7 ~~TENTH~~ day after the ~~clerk of the county where the petition was~~
 8 ~~filed announces the official result of the recall election. The~~
 9 ~~clerk shall publicly announce the result of the recall election at~~
 10 ~~the conclusion of the meeting held by the board of county~~
 11 ~~canvassers to certify the recall election.~~ **FILING OFFICIAL WITH**
 12 **WHOM THE RECALL PETITION IS FILED CALLS THE RECALL ELECTION.**

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

16 **SEC. 973A. (1) SUBJECT TO SUBSECTION (2), IF THE RECALL**
 17 **ELECTION INVOLVES A PARTISAN OFFICE, A POLITICAL PARTY CANDIDATE**
 18 **SHALL BE NOMINATED FOR THAT PARTISAN OFFICE AS FOLLOWS:**

19 **(A) IF THE OFFICE IS IN THE OFFICE OF COUNTY COMMISSIONER OR**
 20 **IN A DISTRICT OFFICE WITHIN AN ELECTORAL DISTRICT OF 1 COUNTY, THE**
 21 **COUNTY EXECUTIVE COMMITTEE OF THE POLITICAL PARTY SHALL NOMINATE A**
 22 **CANDIDATE FOR THAT OFFICE.**

23 **(B) IF THE OFFICE IS IN A DISTRICT OFFICE WITHIN AN ELECTORAL**
 24 **DISTRICT IN LESS THAN 1 COUNTY AND 3 OR MORE MEMBERS OF THE COUNTY**
 25 **EXECUTIVE COMMITTEE OF A POLITICAL PARTY RESIDE IN THE ELECTORAL**
 26 **DISTRICT, THE MEMBERS OF THE COUNTY EXECUTIVE COMMITTEE OF THE**
 27 **POLITICAL PARTY RESIDING IN THE ELECTORAL DISTRICT SHALL NOMINATE A**

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

6 (C) IF THE OFFICE IS IN A DISTRICT OFFICE HAVING AN ELECTORAL
7 DISTRICT IN MORE THAN 1 COUNTY, THE MEMBERS OF THE SEVERAL COUNTY
8 EXECUTIVE COMMITTEES OF THE POLITICAL PARTY RESIDING IN THOSE PARTS
9 OF THE COUNTIES THAT ARE IN THE DISTRICT SHALL NOMINATE A CANDIDATE
10 FOR THAT OFFICE.

11 (D) IF THE OFFICE IS IN A WARD OR TOWNSHIP OFFICE AND 3 OR
12 MORE MEMBERS OF THE COUNTY EXECUTIVE COMMITTEE OF A POLITICAL PARTY
13 RESIDE IN THE WARD OR TOWNSHIP, THE MEMBERS OF THE COUNTY EXECUTIVE
14 COMMITTEE OF THE POLITICAL PARTY RESIDING IN THAT WARD OR TOWNSHIP
15 SHALL NOMINATE A CANDIDATE FOR THAT OFFICE. IF THE OFFICE IS IN A
16 WARD OR TOWNSHIP OFFICE AND LESS THAN 3 MEMBERS OF THE COUNTY
17 EXECUTIVE COMMITTEE OF A POLITICAL PARTY RESIDE IN THE WARD OR
18 TOWNSHIP, THE COUNTY EXECUTIVE COMMITTEE OF THE POLITICAL PARTY
19 SHALL NOMINATE A CANDIDATE FOR THAT OFFICE.

20 (2) IF THE INCUMBENT CANDIDATE DECLINES TO BE A CANDIDATE AT
21 THE RECALL ELECTION AS PROVIDED IN SECTION 971C, THE POLITICAL
22 PARTY OF THAT INCUMBENT CANDIDATE SHALL NOMINATE A CANDIDATE USING
23 THE NOMINATING PROCEDURE AS PROVIDED IN SUBSECTION (1).

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

27 (4) A CANDIDATE WITHOUT A POLITICAL PARTY AFFILIATION MAY

1 QUALIFY FOR A PARTISAN OFFICE BY FILING A QUALIFYING PETITION WITH
2 THE OFFICER WITH WHOM THE RECALL PETITIONS WERE FILED THAT CONTAINS
3 10% OF THE NUMBER OF SIGNATURES REQUIRED UNDER SECTION 544F WITHIN
4 10 DAYS AFTER THE CALLING OF THE RECALL ELECTION.

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

8 SEC. 975A. SECTIONS 975C TO 975G APPLY TO THE SPECIAL RECALL
9 ELECTION FOR THE OFFICE OF THE GOVERNOR.

10 SEC. 975C. THE PROCEDURE GOVERNING THE SPECIAL RECALL ELECTION
11 ON THE QUESTION OF THE RECALL OF THE GOVERNOR SHALL BE THE SAME,
12 UNLESS OTHERWISE PROVIDED IN THIS ACT, AS THAT BY WHICH THE
13 GOVERNOR IS ELECTED TO OFFICE. IF THE OFFICIAL WITH WHOM THE RECALL
14 PETITION IS FILED IS NOT REQUIRED TO GIVE PUBLIC NOTICE OF AN
15 ELECTION CONCERNING THE OFFICE OF THE GOVERNOR, THE OFFICIAL SHALL
16 GIVE NOTICE TO THE OFFICIAL OR OFFICIALS REQUIRED TO GIVE PUBLIC
17 NOTICE OF THE ELECTION, CAUSE THE BALLOTS TO BE PRINTED, PROVIDE
18 ELECTION SUPPLIES, AND DO ALL OTHER THINGS NECESSARY TO CONDUCT THE
19 ELECTION IN THE MANNER PROVIDED IN THIS ACT.

20 SEC. 975E. (1) EACH REASON FOR DEMANDING THE RECALL OF THE
21 GOVERNOR AS SET FORTH IN THE RECALL PETITION SHALL BE PRINTED ON
22 THE SPECIAL RECALL ELECTION BALLOT USED AT THE SPECIAL RECALL
23 ELECTION IN NOT MORE THAN 200 WORDS. IF THE STATEMENT OF REASON SET
24 FORTH IN THE PETITION CONTAINS MORE THAN 200 WORDS, THEN THE
25 STATEMENT SHALL BE CONDENSED BY THE SPONSOR OF THE RECALL PETITION
26 FOR USE ON THE SPECIAL RECALL ELECTION BALLOT. IF THE SPONSOR FAILS
27 TO FURNISH THE CONDENSED STATEMENT WITHIN 48 HOURS FOLLOWING

1 WRITTEN DEMAND, THEN THE STATEMENT SHALL BE CONDENSED BY THE
2 OFFICIAL PREPARING THE SPECIAL RECALL ELECTION BALLOTS.

3 (2) THE OFFICIAL PREPARING THE SPECIAL RECALL ELECTION BALLOT
4 SHALL PROVIDE IN WRITING TO THE GOVERNOR THE STATEMENT OF REASON
5 WHICH SHALL APPEAR ON THE SPECIAL RECALL ELECTION BALLOT. THE
6 GOVERNOR, IN NOT MORE THAN 200 WORDS, MAY SUBMIT A JUSTIFICATION OF
7 HIS OR HER CONDUCT IN OFFICE. THE JUSTIFICATION SHALL BE SUBMITTED
8 TO THE OFFICIAL PREPARING THE SPECIAL RECALL ELECTION BALLOT WITHIN
9 72 HOURS AFTER RECEIPT OF THE NOTIFICATION. IF SUBMITTED IN THE
10 PRESCRIBED TIME, THE JUSTIFICATION SHALL BE PRINTED ON THE SPECIAL
11 RECALL ELECTION BALLOT.

12 (3) THE STATEMENT "VOTE NO ON THE RECALL" OR "VOTE YES ON THE
13 RECALL" OR WORDS OF SIMILAR IMPORT SHALL NOT BE PERMITTED ON THE
14 SPECIAL RECALL ELECTION BALLOT. A PART OF THE REASON FOR DEMANDING
15 THE RECALL OF THE GOVERNOR OR THE GOVERNOR'S JUSTIFICATION OF
16 CONDUCT IN OFFICE SHALL NOT BE EMPHASIZED BY ITALICS, UNDERSCORING,
17 OR IN ANY OTHER MANNER.

18 (4) THERE SHALL BE PRINTED ON THE SPECIAL RECALL ELECTION
19 BALLOT THE FOLLOWING QUESTION:

20 SHALL (NAME THE PERSON AGAINST WHOM THE RECALL PETITION IS
21 FILED) BE RECALLED FROM THE OFFICE OF GOVERNOR? PRINTED BELOW THE
22 QUESTION IN SEPARATE LINES IN CLEARLY LEGIBLE TYPE SHALL BE THE
23 WORDS "YES[]" AND "NO[]" OR IN A FORM AS PRESCRIBED BY THE
24 SECRETARY OF STATE.

25 SEC. 975G. IF THE BOARD OF STATE CANVASSERS DETERMINES THAT A
26 MAJORITY OF THE VOTES ARE IN FAVOR OF RECALL, THE BOARD OF STATE
27 CANVASSERS IMMEDIATELY UPON THE DETERMINATION SHALL CERTIFY THE

1 RESULT TO THE OFFICER WITH WHOM THE RECALL PETITION WAS FILED. UPON
2 CERTIFICATION, THE GOVERNOR SHALL BE REPLACED AS PROVIDED UNDER
3 SECTION 26 OF ARTICLE V OF THE STATE CONSTITUTION OF 1963.

4 SEC. 977. (1) AN OFFICER WHO IS RECALLED UNDER THIS CHAPTER
5 SHALL NOT BE APPOINTED TO FILL A VACANCY IN AN ELECTIVE OFFICE IN
6 THE ELECTORAL DISTRICT OR GOVERNMENTAL UNIT FROM WHICH THE RECALL
7 WAS MADE DURING THE TERM OF OFFICE FROM WHICH THE OFFICER WAS
8 RECALLED.

9 (2) AN OFFICER WHO RESIGNS SUBSEQUENT TO THE FILING OF A
10 RECALL PETITION SHALL NOT BE APPOINTED TO FILL A VACANCY IN
11 ELECTIVE OFFICE IN THAT ELECTORAL DISTRICT OR GOVERNMENTAL UNIT
12 DURING THE TERM OF THE OFFICE FROM WHICH THE OFFICER RESIGNED.

13 (3) IF AN OFFICER RESIGNS SUBSEQUENT TO THE FILING OF
14 PETITIONS TO RECALL THAT OFFICER FROM OFFICE, IT IS NOT NECESSARY
15 FOR THE OFFICE WITH WHICH THE RECALL PETITIONS HAVE BEEN FILED TO
16 PROCEED UNDER SECTIONS 961 AND 963.

17 (4) IF AN OFFICER WHOSE RECALL IS SOUGHT RESIGNS AFTER THE
18 CALLING OF A RECALL PRIMARY ELECTION, RECALL GENERAL ELECTION,
19 RECALL ELECTION, OR SPECIAL RECALL ELECTION, THE ELECTION SHALL NOT
20 BE HELD.

21 Enacting section 1. Sections 964, 966, 970, 971, 973, and 974
22 of the Michigan election law, 1954 PA 116, MCL 168.964, 168.966,
23 168.970, 168.971, 168.973, and 168.974, are repealed.

24 Enacting section 2. As provided in section 5 of 1846 RS 1, MCL
25 8.5, this act is severable.

26 Enacting section 3. The legislature recognizes the importance
27 of the electoral process, and it is the intent of the legislature

1 that this amendatory act uphold each of the following:

2 (a) Section 4 of article II of the state constitution of 1963.

3 (b) Section 8 of article II of the state constitution of 1963.

4 (c) Section 26 of article V of the state constitution of 1963.