

# HOUSE BILL No. 6063

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

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  
11 petition.

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

2 (2) Before being circulated, a petition for the recall of an  
3 officer shall be submitted to the board of county election  
4 commissioners of the county in which the officer whose recall is  
5 sought resides. **A PETITION FOR THE RECALL OF AN OFFICER SHALL NOT**  
6 **BE SUBMITTED TO THE BOARD OF COUNTY ELECTION COMMISSIONERS UNTIL**  
7 **THE OFFICER HAS ACTUALLY PERFORMED THE DUTIES OF THE OFFICE TO**  
8 **WHICH ELECTED FOR A PERIOD OF 6 MONTHS DURING THE CURRENT TERM OF**  
9 **THAT OFFICE. IN ADDITION, A PETITION FOR THE RECALL OF AN OFFICER**  
10 **SHALL NOT BE SUBMITTED TO THE BOARD OF COUNTY ELECTION**  
11 **COMMISSIONERS DURING THE LAST 6 MONTHS OF THE OFFICER'S TERM OF**  
12 **OFFICE.**

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

25 (4) The board of county election commissioners, not later than  
26 24 hours after receipt of a petition for the recall of an officer,  
27 shall notify the officer whose recall is sought of each reason

1 stated in the **RECALL** petition and of the date of the meeting of the  
2 board of county election commissioners to consider the clarity of  
3 each reason.

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 the clarity of each reason.

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

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