

HOUSE BILL NO. 6285

December 12, 2024, Introduced by Rep. O'Neal and referred to the Committee on Government Operations.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 951a and 952 (MCL 168.951a and 168.952), as amended by 2018 PA 190.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 951a. (1) A petition for the recall of an officer listed
2 in section 959 must meet all of the following requirements:
3 (a) Comply with section 544c(1) and (2).
4 (b) Be printed.
5 (c) State factually, **truthfully**, and clearly each reason for
6 the recall. Each reason for the recall must be based ~~upon~~**on** the

1 officer's conduct during ~~his or her~~ **the officer's** current term of
2 office. The reason for the recall may be typewritten. If any reason
3 for the recall is based on the officer's conduct in connection with
4 specific legislation, the reason for the recall must not
5 misrepresent the content of the specific legislation.

6 (d) Contain a certificate of the circulator. The certificate
7 of the circulator may be printed on the reverse side of the
8 petition.

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

10 (2) Before being circulated, a petition for the recall of an
11 officer under subsection (1) must be submitted to the board of
12 state canvassers **along with a form in support of the recall that**
13 **contains the signatures of not fewer than 1% of the number of**
14 **individuals who voted in the last preceding election for that**
15 **office in the electoral district of the officer sought to be**
16 **recalled. The signatures submitted must be from registered and**
17 **qualified electors of the electoral district of the officer whose**
18 **recall is sought. Each signer must affix the individual's name,**
19 **address, and date of signing on the form in support of the recall.**

20 (3) The board of state canvassers, not less than 10 days or
21 more than 20 days after submission to ~~it~~ **the board** of a petition
22 for the recall of an officer under subsection (1), shall meet and
23 ~~shall~~ determine by an affirmative vote of 3 of the members serving
24 on the board of state canvassers whether each reason for the recall
25 stated in the **recall** petition is factual, **truthful**, and of
26 sufficient clarity to enable the officer whose recall is sought and
27 the electors to identify the course of conduct that is the basis
28 for the recall, **and whether sufficient valid signatures as provided**
29 **under subsection (2) were submitted with the recall petition. If**

1 any reason for the recall is not factual, **truthful**, or of
2 sufficient clarity, the entire recall petition must be rejected. **In**
3 **addition, if sufficient valid signatures as provided under**
4 **subsection (2) were not submitted with the recall petition, the**
5 **entire recall petition must be rejected.** Failure of the board of
6 state canvassers to meet as required by this subsection constitutes
7 a determination that each reason for the recall stated in the
8 **recall** petition is factual, **truthful**, 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 **and**
11 **that sufficient valid signatures were filed with the recall**
12 **petition.**

13 (4) The board of state canvassers, not later than 3 business
14 days after receipt of a petition for the recall of an officer as
15 provided under subsection (2), shall notify the officer whose
16 recall is sought of each reason stated in the recall petition and
17 of the date of the meeting of the board of state canvassers to
18 consider whether each reason is factual, **truthful**, and of
19 sufficient clarity.

20 (5) The officer whose recall is sought and the sponsors of the
21 recall petition may appear at the meeting and present arguments on
22 whether each reason is factual, **truthful**, and of sufficient
23 clarity.

24 (6) The determination by the board of state canvassers may be
25 appealed by the officer whose recall is sought or by the sponsors
26 of the recall petition drive to the court of appeals. The appeal
27 must be filed not more than 10 days after the determination of the
28 board of state canvassers. If a determination of the board of state
29 canvassers is appealed to the court of appeals, the recall petition

1 is not valid for circulation and must not be circulated until a
2 determination of whether each reason is factual, **truthful**, and of
3 sufficient clarity is made by the court of appeals or until 40 days
4 after the date of the appeal, whichever is sooner.

5 (7) A **recall** petition is not valid for circulation if at any
6 time the court of appeals determines that each reason on the recall
7 petition is not factual, **truthful**, and of sufficient clarity.

8 (8) A recall petition is valid for 180 days after either of
9 the following, whichever occurs later:

10 (a) The date of determination of whether each reason is
11 factual, **truthful**, and of sufficient clarity by the board of state
12 canvassers.

13 (b) The sooner of the following:

14 (i) The date of determination of whether each reason is
15 factual, **truthful**, and of sufficient clarity by the court of
16 appeals.

17 (ii) Subject to subsection (7), 40 days after the date of the
18 appeal under subsection (6).

19 (9) A recall petition that is filed after the 180-day period
20 described in subsection (8) is not valid and must not be accepted
21 by the filing official under section 961. This subsection does not
22 prohibit a person from resubmitting a recall petition for a
23 determination of sufficient clarity, **truthfulness**, and factualness
24 under this section.

25 Sec. 952. (1) A petition for the recall of an officer listed
26 in section 960 must meet all of the following requirements:

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

28 (b) Be printed.

29 (c) State factually, **truthfully**, and clearly each reason for

1 the recall. Each reason for the recall must be based ~~upon~~**on** the
 2 officer's conduct during ~~his or her~~**the officer's** current term of
 3 office. The reason for the recall may be typewritten.

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

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

8 (2) Before being circulated, a petition for the recall of an
 9 officer under subsection (1) must be submitted to the board of
 10 county election commissioners of the county in which the officer
 11 whose recall is sought resides **along with a form in support of the**
 12 **recall that contains the signatures of not fewer than 1% of the**
 13 **number of individuals who voted in the last preceding election for**
 14 **that office in the electoral district of the officer sought to be**
 15 **recalled. The signatures submitted must be from registered and**
 16 **qualified electors of the electoral district of the officer whose**
 17 **recall is sought. Each signer must affix the individual's name,**
 18 **address, and date of signing on the form in support of the recall.**

19 (3) The board of county election commissioners, not less than
 20 10 days or more than 20 days after submission to ~~it~~**the board** of a
 21 petition for the recall of an officer under subsection (1), shall
 22 meet and ~~shall~~determine whether each reason for the recall stated
 23 in the **recall** petition is factual, **truthful**, and of sufficient
 24 clarity to enable the officer whose recall is sought and the
 25 electors to identify the course of conduct that is the basis for
 26 the recall, **and whether sufficient valid signatures as provided**
 27 **under subsection (2) were submitted with the recall petition.** If
 28 any reason for the recall is not factual, **truthful**, or of
 29 sufficient clarity, the entire recall petition must be rejected. **In**

1 **addition, if sufficient valid signatures as provided under**
2 **subsection (2) were not submitted with the recall petition, the**
3 **entire recall petition must be rejected.** Failure of the board of
4 county election commissioners to meet as required by this
5 subsection constitutes a determination that each reason for the
6 recall stated in the **recall** petition is factual, **truthful**, and of
7 sufficient clarity to enable the officer whose recall is being
8 sought and the electors to identify the course of conduct that is
9 the basis for the recall **and that sufficient valid signatures were**
10 **filed with the recall petition.**

11 (4) The board of county election commissioners, not later than
12 3 business days after receipt of a petition for the recall of an
13 officer as provided under subsection (2), shall notify the officer
14 whose recall is sought of each reason stated in the recall petition
15 and of the date of the meeting of the board of county election
16 commissioners to consider whether each reason is factual, **truthful**,
17 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 whether each reason is factual, **truthful**, 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 must be filed not more than 10 days
26 after the determination of the board of county election
27 commissioners. If a determination of the board of county election
28 commissioners is appealed to the circuit court in the county, the
29 recall petition is not valid for circulation and must not be

1 circulated until a determination of whether each reason is factual,
2 **truthful**, and of sufficient clarity is made by the circuit court or
3 until 40 days after the date of the appeal, whichever is sooner.

4 (7) A **recall** petition is not valid for circulation if at any
5 time a circuit court determines that each reason on the recall
6 petition is not factual, **truthful**, and of sufficient clarity.

7 (8) A recall petition is valid for 180 days after either of
8 the following, whichever occurs later:

9 (a) The date of determination of whether each reason is
10 factual, **truthful**, and of sufficient clarity by the board of county
11 election commissioners.

12 (b) The sooner of the following:

13 (i) The date of determination of whether each reason is
14 factual, **truthful**, and of sufficient clarity by the circuit court.

15 (ii) Subject to subsection (7), 40 days after the date of the
16 appeal under subsection (6).

17 (9) A recall petition that is filed after the 180-day period
18 described in subsection (8) is not valid and must not be accepted
19 by the filing official under section 961. This subsection does not
20 prohibit a person from resubmitting a recall petition for a
21 determination of sufficient clarity, **truthfulness**, and factualness
22 under this section.