

Act No. 26  
Public Acts of 1989  
Approved by the Governor  
May 22, 1989  
Filed with the Secretary of State  
May 22, 1989

**STATE OF MICHIGAN  
85TH LEGISLATURE  
REGULAR SESSION OF 1989**

Introduced by Senators Cropsey, Fredricks, V. Smith, Geo. Hart, Nichols, Ehlers, Posthumus, Faxon, Geake, Pollack, N. Smith, Binsfeld, Cruce, Schwarz, Barcia, DiNello, Dillingham, Carl and Welborn

# **ENROLLED SENATE BILL No. 142**

AN ACT to amend sections 960, 964, 968, and 972 of Act No. 116 of the Public Acts of 1954, entitled "An act to reorganize, consolidate and add to the election laws; to provide for election officials and prescribe their powers and duties; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to prescribe the penalties therefor; and to repeal certain acts and all other acts inconsistent herewith," being sections 168.960, 168.964, 168.968, and 168.972 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. Sections 960, 964, 968, and 972 of Act No. 116 of the Public Acts of 1954, being sections 168.960, 168.964, 168.968, and 168.972 of the Michigan Compiled Laws, are amended to read as follows:

Sec. 960. (1) A petition demanding the recall of an elective county commissioner or township, city, village, or school official shall be filed with the county clerk of the county in which the largest portion of the registered voters in the electoral district reside.

(2) A petition demanding the recall of an elective district library board member shall be filed with the clerk of the largest county. For the purposes of this subsection, the term "largest" has the meaning ascribed to it in section 2 of the district library establishment act.

Sec. 964. The procedure governing the election on the question of the recall of an officer shall be the same, so far as possible and unless otherwise provided in this act, as that by which the officer is elected to office. If the official with whom the petition is filed is not required to give public notice of an election concerning the office in question, the official shall give notice to the official or officials required by the general election, the school, or the library laws of this state or a city charter to give public notice of the election, cause the ballots to be printed, provide election supplies, and do all things necessary to conduct the election in the manner provided in this act. Fewer precinct election officials than the number otherwise required under the general election laws of this state may be assigned to duty if it appears that the votes to be cast will not necessitate the number of precinct election officials otherwise so required.

Sec. 968. If a petition is filed under section 960, the board of county canvassers in the county where the petition is filed shall conduct the canvass of the recall election. The canvass of other recall elections shall be by the board of state canvassers. If a board of canvassers determines that a majority of the votes are in favor of recall, the board of canvassers immediately upon the determination shall certify the result to the officer with whom the recall petition was filed. Upon certification, the office is vacant. The officer with whom the recall petition was filed shall immediately upon receipt of the certification notify the clerk or secretary of the electoral district or, if the electoral district is a district library district, the district library board from which the official was recalled and the recalled official of the results of the recall election and the date and time of the certification.

Sec. 972. (1) Except as provided in subsection (2), a candidate for a nonpartisan office shall be nominated and voted for in an election scheduled pursuant to section 971 by filing a nominating petition not later than 4 p.m. on the fifteenth day after the election is called. The nominating petition shall be filed with the clerk or secretary of the electoral district and signed by not less than 3% of the registered and qualified electors of the electoral district. However, a nominating petition for the office of district library board member shall be signed by not less than 3% of the number of persons voting in the district library district at the last election at which district library board members were elected and filed with the clerk of the largest county or, if a school district is a participating municipality, with the secretary of the largest participating school district. For the purposes of this subsection, the term "largest" has the meaning ascribed to it in section 2 of the district library establishment act.

(2) This subsection applies to an election to fill a vacancy for an unexpired term created by a recall of a member of a board of education of a school district, if the election is scheduled to be held on the same date as an annual school election or a general election. A petition filed by a candidate shall be signed by a number of registered and qualified electors of the school district equal to not less than 1% of the total number of votes received by the candidate for member of the board of education who received the greatest number of votes at the last election at which members of the board of education were elected, but the number shall not be less than 20. The petition shall clearly state that it relates to the filling of a vacancy for an unexpired term and shall be filed with the secretary of the board or in the office of the board of education not later than 4 p.m. on the fifteenth day after the election is called.

Section 2. This amendatory act shall not take effect unless Senate Bill No. 140 of the 85th Legislature is enacted into law.

This act is ordered to take immediate effect.

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Secretary of the Senate.

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Clerk of the House of Representatives.

Approved.....

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Governor.