

# HOUSE BILL No. 5342

December 11, 1939, Introduced by Reps. Maynard, Bartnik, Weeks, Bennett, Keith, Mathieu, Scott and Law and referred to the Committee on Elections.

A bill to amend sections 951 and 952 of Act No. 116 of the Public Acts of 1954, entitled "Michigan election law," section 952 as amended by Act No. 456 of the Public Acts of 1982, being sections 168.951 and 168.952 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 951 and 952 of Act No. 116 of the  
2 Public Acts of 1954, section 952 as amended by Act No. 456 of the  
3 Public Acts of 1982, being sections 168.951 and 168.952 of the  
4 Michigan Compiled Laws, are amended to read as follows:

5       Sec. 951. Every elective officer in the state, except a  
6 judicial officer, is subject to recall by the voters of the  
7 electoral district in which the officer is elected FOR  
8 NONFEASANCE, MISFEASANCE, OR MALFEASANCE IN OFFICE as provided in

1 sections 951 to 976. A petition shall not be filed against an  
2 officer until the officer has actually performed the duties of  
3 the office to which elected for a period of 6 months during the  
4 current term of that office. An officer sought to be recalled  
5 shall continue to perform duties of the office until the result  
6 of the recall election is certified.

7       Sec. 952. (1) The petitions for the recall of an officer  
8 shall be in the size and print types required by section 544c,  
9 shall be printed, shall state clearly the reason ~~or reasons~~ for  
10 the recall which ~~reasons~~ REASON may be typewritten, shall con-  
11 tain a certificate of the circulator ~~which~~ THAT may be printed  
12 on the reverse side of the petition, and shall be in a form pre-  
13 scribed by the secretary of state.

14       (2) Before being circulated, a petition for recall of an  
15 officer shall be submitted to the board of county election com-  
16 missioners of the county in which the officer whose recall is  
17 sought resides.

18       (3) The board of county election commissioners, not less  
19 than 10 days ~~nor~~ AND NOT more than 20 days after submission to  
20 it of a petition for recall, shall meet and shall determine  
21 whether the ~~reasons~~ REASON for recall stated in the petition  
22 ~~are~~ IS or ~~are~~ IS not of sufficient clarity to enable the  
23 officer whose recall is sought and the electors to identify the  
24 course of conduct which is the basis for the recall AND SHALL  
25 DETERMINE WHETHER THAT COURSE OF CONDUCT WOULD, IF COMMITTED,  
26 CONSTITUTE NONFEASANCE, MISFEASANCE, OR MALFEASANCE IN OFFICE.  
27 Failure of the board of county election commissioners to comply

1 with this subsection ~~shall constitute~~ CONSTITUTES a  
2 determination that the ~~reasons~~ REASON for recall stated in the  
3 ~~petitions are~~ PETITION IS of sufficient clarity to enable the  
4 officer whose recall is being sought and the electors to identify  
5 the course of conduct which is the basis for the recall AND A  
6 DETERMINATION THAT THE COURSE OF CONDUCT WOULD, IF COMMITTED,  
7 CONSTITUTE NONFEASANCE, MISFEASANCE, OR MALFEASANCE IN OFFICE.

8       (4) The board of county election commissioners shall notify,  
9 not later than 24 hours after receipt of a petition for recall,  
10 the officer whose recall is sought of the ~~reasons~~ REASON stated  
11 in the petition for recall, and of the date of the meeting of the  
12 commission to consider ~~these reasons~~ THE REASON.

13       (5) Upon being notified of the reason ~~or reasons~~ for  
14 recall by the board of county election commissioners, the officer  
15 whose recall is sought and the sponsors of the petition may  
16 appear at the meeting and present arguments on the clarity of the  
17 reason ~~or reasons~~ AND WHETHER THE COURSE OF CONDUCT THAT IS THE  
18 BASIS FOR THE RECALL WOULD, IF COMMITTED, CONSTITUTE NONFEASANCE,  
19 MISFEASANCE, OR MALFEASANCE IN OFFICE.

20       (6) The determination by the board of county election com-  
21 missioners may be appealed by the officer whose recall is sought  
22 or by the sponsors of the petition drive to the circuit court in  
23 the county. The appeal shall be filed not more than 10 days  
24 after the determination of the board of county election  
25 commissioners.