

# SENATE BILL No. 142

February 14, 1989, Introduced by Senators CROPSEY, FREDRICKS, V. SMITH, GEO. HART, NICHOLS, EHLERS, POSTHUMUS, FAXON, GEAKE, POLLACK, N. SMITH, BINSFELD, CRUCE, SCHWARZ, BARCIA, DI NELLO, DILLINGHAM, CARL and WELBORN and referred to the Committee on Local Government and Veterans.

A bill to amend sections 960, 964, 968, and 972 of Act No. 116 of the Public Acts of 1954, entitled "Michigan election law," being sections 168.960, 168.964, 168.968, and 168.972 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 960, 964, 968, and 972 of Act No. 116  
2 of the Public Acts of 1954, being sections 168.960, 168.964,  
3 168.968, and 168.972 of the Michigan Compiled Laws, are amended  
4 to read as follows:

5 ' Sec. 960. (1) ~~Petitions~~ A PETITION demanding the recall  
6 of ~~any~~ AN elective county commissioner ~~—~~ or township, city,  
7 village, or school official shall be filed with the county clerk  
8 of the county in which the largest portion of the registered  
9 voters in the electoral district reside.

1 (2) A PETITION DEMANDING THE RECALL OF AN ELECTIVE DISTRICT  
 2 LIBRARY BOARD MEMBER SHALL BE FILED WITH THE CLERK OF THE LARGEST  
 3 COUNTY. FOR THE PURPOSES OF THIS SUBSECTION, THE TERM "LARGEST"  
 4 HAS THE MEANING ASCRIBED TO IT IN SECTION 2 OF THE DISTRICT  
 5 LIBRARY ESTABLISHMENT ACT.

6 Sec. 964. The procedure governing the election on the  
 7 question of the recall of ~~any~~ AN officer shall be the same, so  
 8 far as possible and unless otherwise provided in this act, as  
 9 that by which the officer is elected to office. If the official  
 10 with whom the petition is filed ~~be~~ IS not ~~an officer charged~~  
 11 ~~with the duty of giving~~ REQUIRED TO GIVE PUBLIC notice of an  
 12 election concerning the office in question, ~~he~~ THE OFFICIAL  
 13 shall ~~notify~~ GIVE NOTICE OF THE FILING OF THE PETITION TO the  
 14 official or officials ~~upon whom the duty rests under~~ REQUIRED  
 15 BY the general election, ~~laws or~~ the school, OR THE LIBRARY  
 16 laws of this state or ~~any~~ A city charter ~~, and such official~~  
 17 ~~or officials shall proceed~~ to give PUBLIC notice of the elec-  
 18 tion, cause the ballots to be printed, provide election supplies,  
 19 and do all things necessary to conduct the election in the manner  
 20 ~~herein~~ provided IN THIS ACT. Fewer precinct election officials  
 21 than the number OTHERWISE required under the general election  
 22 laws of ~~the~~ THIS state may be assigned to duty if it ~~should~~  
 23 ~~appear~~ APPEARS that the votes to be cast will not necessitate  
 24 the ~~usual complement thereof~~ NUMBER OF PRECINCT ELECTION OFFI-  
 25 CIALS OTHERWISE SO REQUIRED.

26 Sec. 968. ~~The canvass of the recall election when~~ IF a  
 27 petition is filed under section 960, ~~shall be conducted by~~ the

1 board of county canvassers in the county where the petition ~~was~~  
2 IS filed SHALL CONDUCT THE CANVASS OF THE RECALL ELECTION. The  
3 canvass of ~~all~~ other recall elections shall be by the board of  
4 state canvassers. If ~~, upon a canvass of the votes cast upon~~  
5 ~~the question of the recall of an officer,~~ A BOARD OF CANVASSERS  
6 DETERMINES THAT a majority of the votes ~~shall be~~ ARE in favor  
7 of recall, the board of canvassers immediately upon the determi-  
8 nation shall certify the result to the officer with whom the  
9 recall petition was filed. Upon certification, the office ~~shall~~  
10 ~~be~~ IS vacant. The officer with whom the recall petition was  
11 filed shall immediately upon receipt of the certification notify  
12 the clerk or secretary of the electoral district OR, IF THE ELEC-  
13 TORAL DISTRICT IS A DISTRICT LIBRARY DISTRICT, THE DISTRICT  
14 LIBRARY BOARD from which the official was recalled and the  
15 recalled official of the results of the recall election and the  
16 date and time of the certification.

17 Sec. 972. (1) Except as provided in subsection (2), a can-  
18 didate for a nonpartisan office ~~may~~ SHALL be nominated and  
19 voted for in an election scheduled pursuant to section 971 by  
20 filing ~~with the clerk or secretary of the electoral district~~ a  
21 NOMINATING petition ~~—~~ not later than 4 p.m. on the fifteenth  
22 day after the election is called. ~~—~~ THE NOMINATING PETITION  
23 SHALL BE FILED WITH THE CLERK OR SECRETARY OF THE ELECTORAL DIS-  
24 TRICT AND signed by not less than 3% of the registered and quali-  
25 fied electors of the electoral district. ~~A candidate so filing~~  
26 ~~shall be considered nominated for that office.~~ HOWEVER, A  
27 NOMINATING PETITION FOR THE OFFICE OF DISTRICT LIBRARY BOARD

1 MEMBER SHALL BE SIGNED BY NOT LESS THAN 3% OF THE NUMBER OF  
2 PERSONS VOTING IN THE DISTRICT LIBRARY DISTRICT AT THE LAST ELEC-  
3 TION AT WHICH DISTRICT LIBRARY BOARD MEMBERS WERE ELECTED AND  
4 FILED WITH THE CLERK OF THE LARGEST COUNTY OR, IF A SCHOOL DIS-  
5 TRICT IS A PARTICIPATING MUNICIPALITY, WITH THE SECRETARY OF THE  
6 LARGEST PARTICIPATING SCHOOL DISTRICT. FOR THE PURPOSES OF THIS  
7 SUBSECTION, THE TERM "LARGEST" HAS THE MEANING ASCRIBED TO IT IN  
8 SECTION 2 OF THE DISTRICT LIBRARY ESTABLISHMENT ACT.

9 (2) This subsection ~~shall apply~~ APPLIES to an election to  
10 fill a vacancy FOR AN UNEXPIRED TERM created by a recall ~~to fill~~  
11 ~~an unexpired term for~~ OF a member of a board of education of a  
12 school district, if the election is scheduled to be held on the  
13 same date as an annual school election or a general election. A  
14 petition filed by a candidate shall be signed by a number of reg-  
15 istered and qualified electors of the school district equal to  
16 not less than 1% of the total number of votes received by the  
17 candidate for member of the board of education who received the  
18 greatest number of votes at the last election at which members of  
19 the board of education were elected, but the number shall not be  
20 less than 20. The petition shall clearly state that it relates  
21 to the filling of a vacancy for an unexpired term and shall be  
22 filed with the secretary of the board or in the office of the  
23 board of education not later than 4 p.m. on the fifteenth day  
24 after the election is called.

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