

# HOUSE BILL NO. 5550

March 06, 2024, Introduced by Reps. Tsernoglou, Wilson, Rheingans, Scott, MacDonell, Conlin, Paiz, Farhat, Hope, Price, Dievendorf, Andrews, Liberati, Weiss, McFall, Byrnes, Hill, Martus and Skaggs and referred to the Committee on Elections.

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.

1 (c) State factually and clearly each reason for the recall.  
2 Each reason for the recall must be based ~~upon~~**on** the officer's  
3 conduct during ~~his or her~~**the officer's** current term of office. The  
4 reason for the recall may be typewritten. If any reason for the  
5 recall is based on the officer's conduct in connection with  
6 specific legislation, the reason for the recall must not  
7 misrepresent the content of the specific legislation.

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

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

12 (2) Before being circulated, a petition for the recall of an  
13 officer under subsection (1) must be submitted to the board of  
14 state canvassers.

15 (3) The board of state canvassers, not less than 10 days or  
16 more than ~~20~~**40** days after submission to it of a petition for the  
17 recall of an officer under subsection (1), shall meet and shall  
18 determine by an affirmative vote of 3 of the members serving on the  
19 board of state canvassers whether each reason for the recall stated  
20 in the petition is factual and of sufficient clarity to enable the  
21 officer whose recall is sought and the electors to identify the  
22 course of conduct that is the basis for the recall. If any reason  
23 for the recall is not factual or of sufficient clarity, the entire  
24 recall petition must be rejected. Failure of the board of state  
25 canvassers to meet as required by this subsection constitutes a  
26 determination that each reason for the recall stated in the  
27 petition is factual and of sufficient clarity to enable the officer  
28 whose recall is being sought and the electors to identify the  
29 course of conduct that is the basis for the recall.

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

7           (5) The officer whose recall is sought and the sponsors of the  
8 recall petition may appear at the meeting and present arguments on  
9 whether each reason is factual and of sufficient clarity.

10          (6) The determination by the board of state canvassers may be  
11 appealed by the officer whose recall is sought or by the sponsors  
12 of the recall petition drive to the court of appeals. The appeal  
13 must be filed not more than 10 days after the determination of the  
14 board of state canvassers. If a determination of the board of state  
15 canvassers is appealed to the court of appeals, the recall petition  
16 is not valid for circulation and must not be circulated until a  
17 determination of whether each reason is factual and of sufficient  
18 clarity is made by the court of appeals or until 40 days after the  
19 date of the appeal, whichever is sooner.

20          (7) A petition is not valid for circulation if at any time the  
21 court of appeals determines that each reason on the recall petition  
22 is not factual and of sufficient clarity.

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

25           (a) The date of determination of whether each reason is  
26 factual and of sufficient clarity by the board of state canvassers.

27           (b) The sooner of the following:

28           (i) The date of determination of whether each reason is factual  
29 and of sufficient clarity by the court of appeals.

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

3           (9) A recall petition that is filed after the 180-day period  
4 described in subsection (8) is not valid and must not be accepted  
5 by the filing official under section 961. This subsection does not  
6 prohibit ~~a person~~**an individual** from resubmitting a recall petition  
7 for a determination of sufficient clarity and factualness under  
8 this section.

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

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

12           (b) Be printed.

13           (c) State factually and clearly each reason for the recall.

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

17           (d) Contain a certificate of the circulator. The certificate  
18 of the circulator may be printed on the reverse side of the  
19 petition.

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

21           (2) Before being circulated, a petition for the recall of an  
22 officer under subsection (1) must be submitted to the board of  
23 county election commissioners of the county in which the officer  
24 whose recall is sought resides.

25           (3) The board of county election commissioners, not less than  
26 10 days or more than ~~20~~**40** days after submission to it of a  
27 petition for the recall of an officer under subsection (1), shall  
28 meet and shall determine whether each reason for the recall stated  
29 in the petition is factual and of sufficient clarity to enable the

1 officer whose recall is sought and the electors to identify the  
2 course of conduct that is the basis for the recall. If any reason  
3 for the recall is not factual or of sufficient clarity, the entire  
4 recall petition must be rejected. Failure of the board of county  
5 election commissioners to meet as required by this subsection  
6 constitutes a determination that each reason for the recall stated  
7 in the petition is factual and of sufficient clarity to enable the  
8 officer whose recall is being sought and the electors to identify  
9 the course of conduct that is the basis for the recall.

10 (4) The board of county election commissioners, not later than  
11 3 business days after receipt of a petition for the recall of an  
12 officer as provided under subsection (2), shall notify the officer  
13 whose recall is sought of each reason stated in the recall petition  
14 and of the date of the meeting of the board of county election  
15 commissioners to consider whether each reason is factual and of  
16 sufficient clarity.

17 (5) The officer whose recall is sought and the sponsors of the  
18 recall petition may appear at the meeting and present arguments on  
19 whether each reason is factual and of sufficient clarity.

20 (6) The determination by the board of county election  
21 commissioners may be appealed by the officer whose recall is sought  
22 or by the sponsors of the recall petition drive to the circuit  
23 court in the county. The appeal must be filed not more than 10 days  
24 after the determination of the board of county election  
25 commissioners. If a determination of the board of county election  
26 commissioners is appealed to the circuit court in the county, the  
27 recall petition is not valid for circulation and must not be  
28 circulated until a determination of whether each reason is factual  
29 and of sufficient clarity is made by the circuit court or until 40

1 days after the date of the appeal, whichever is sooner.

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

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

7 (a) The date of determination of whether each reason is  
8 factual and of sufficient clarity by the board of county election  
9 commissioners.

10 (b) The sooner of the following:

11 (i) The date of determination of whether each reason is factual  
12 and of sufficient clarity by the circuit court.

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

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