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## 6-DAY SIGNATURE CHALLENGE PERIOD FOR RECALL ELECTIONS

House Bill 4245 (Substitute H-1)  
First Analysis (7-2-03)

Sponsor: Rep. Jack Minore  
Committee: Local Government and  
Urban Policy

### ***THE APPARENT PROBLEM:***

In November 1999, Flint City Mayor Woodrow Stanley was elected into office with 17,224 votes. On March 5, 2002, the voters of the City of Flint voted 15,863 to 12,336 to recall Mayor Stanley from office—56 percent of the voters favoring the recall. The petitions containing the signatures of the citizens who favored a recall election were filed on December 23, 2001.

Currently the Election Law specifies that an elected official whose recall is sought may challenge the validity of the signatures on the petitions filed with local election officials. The person subject to the recall can challenge the registration of any voter who signed the petition, the validity and genuineness of the signature of a circulator of that petition, or the signature of a person signing the recall petition. The officer whose recall is sought has an eight-day period to examine the signatures.

According to committee testimony, the circulators who submitted the petitions to recall Mayor Stanley from his elected office, filed their petitions at 4:30 p.m. on Wednesday, December 23, 2001. The Christmas holiday began at the close of business that day, and city offices were closed on Thursday and Friday, December 24 and 25. Following the two-day holiday, the city offices remained closed for the weekend on December 26 and 27. Because the city offices were closed for four days over the Christmas holiday, the eight-day period during which Mayor Stanley could challenge the signatures on the petitions that sought to recall him was reduced by half. When city hall opened on Monday, December 28, four days of the eight-day period had already elapsed, and only four days remained during which to challenge the accuracy of the petition signatures.

In order to lengthen the time during which an official who is subject to recall can challenge petition signatures, legislation has been introduced that would count business days.

### ***THE CONTENT OF THE BILL:***

House Bill 4245 would amend the Michigan Election Law to specify that an officer whose recall is sought would have not less than six business days after the clerk had examined the signatures, to check signatures on the original registration records.

Currently the law specifies that an officer whose recall is sought may challenge the validity of the registration, or the validity and genuineness of the signature of a circulator, or the signature of a person signing the recall petition. The officer whose recall is sought then has an eight-day period to examine the signature. A challenge must be in writing, specifying the challenged signature, and it must be delivered to the filing official within 30 days after the filing of petitions.

MCL 168.961a

### ***FISCAL IMPLICATIONS:***

No fiscal information is available.

### ***ARGUMENTS:***

#### ***For:***

Currently the Election Law enables an official who is subject to recall to challenge the accuracy of the signatures on the petitions that seek the recall election. However the 'signature challenge' period is limited to eight days. Sometimes the eight-day period is interrupted by holidays or intervening weekends, and the eight-day period is reduced to four or six days. This bill specifies an examination period of six *business* days, rather than eight days, and thereby ensures an ample stretch of time to challenge the petition signatures, without regard to intervening weekends or holidays.

House Bill 4845 (7-2-03)

***POSITIONS:***

The Michigan Townships Association testified in support of the bill. (7-1-03)

The Michigan Association of Counties testified in support of the bill. (7-1-03)

The Michigan Municipal League testified that the organization is neutral on the bill. (7-1-03)

Analyst: J. Hunault

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.