



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 6058 (Substitute H-1 as passed by the House)
House Bills 6060 and 6061 (as passed by the House)
House Bill 6063 (Substitute H-1 as passed by the House)
Sponsor: Representative Marilyn Lane (H.B. 6058)
Representative Anthony G. Forlini (H.B. 6060)
Representative Jon Switalski (H.B. 6061)
Representative Harold Haugh (H.B. 6063)
House Committee: Redistricting and Elections

CONTENT

House Bill 6058 (H-1) would amend the Michigan Election Law to do the following:

- Provide that, if a determination by a county board of election commissioners regarding a recall petition's clarity were appealed, the petition would not be valid for circulation and could not be circulated until the circuit court made a determination of sufficient clarity or until 40 days after the date of the appeal, whichever was sooner.
- Provide that a recall petition would not be valid for circulation if at any time a circuit court determined it was not of sufficient clarity.
- Revise provisions related to the period of a recall petition's validity and counting of signatures on a petition sheet, to reflect the amendments pertaining to the circuit court's determination of sufficient clarity.

(The Law requires a petition for the recall of an officer to state clearly each reason for the recall. Before being circulated, the petition must be submitted to the board of county election commissioners of the county in which the officer resides for a determination as to whether each stated reason for the recall is of sufficient clarity to enable the officer and the electors to identify the course of conduct that is the basis for the recall. The sponsors of the petition or the officer whose recall is being sought may appeal the board's determination to the county circuit court.)

House Bill 6060 would amend the Michigan Election Law to do the following:

- Require a recall petition to state each reason for the recall factually, in addition to clearly as is required currently.
- Include references to the factuality of a recall petition in provisions regarding the determination by the board of county election commissioners and appeal of the determination to the circuit court.
- Revise provisions regarding the counting of signatures on a recall petition to refer to a circuit court's determination as to the petition's factuality and clarity.
- Prohibit a filing official from counting signatures filed more than 60 days before the recall petition was filed, rather than the current 90 days.

House Bill 6061 would amend the Michigan Election Law to require a special election for the recall of an official to be held at least 95 days after the petition was filed, and on either the

next May or the next November regular election date, whichever occurred first. Currently, a recall election must be held on the next regular election date that is at least 95 days after the date the petition is filed. (The regular election dates specified in the Law are in February, May, August, and November.)

House Bill 6063 (H-1) would amend the Michigan Election Law to revise a requirement that a recall petition be submitted to the board of county election commissioners before circulation. The bill would require this "to determine if the petition is of sufficient clarity".

The bill also would prohibit a petition for the recall of an officer from being submitted to the board until the officer actually had performed the duties of the elected office for a period of six months during the current term of that office; or during the last six months of the officer's term of office.

MCL 168.952 & 168.961 (H.B. 6058)
168.23 et al. (H.B. 6060)
168.963 (H.B. 6061)
168.952 (H.B. 6063)

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

House Bills 6058 (H-1) and 6060 would have no fiscal impact on State or local government.

House Bills 6061 and 6063 (H-1) could have an indeterminate fiscal impact on local governments to the extent that fewer recall elections were held as a result of the bills. Currently, the cost to local governments to hold an election averages about \$2,000 per voting precinct. If the bills resulted in fewer local elections, the local governments would save about \$2,000 per precinct. The amount of savings is indeterminate and dependent on the number of local units of government affected by the bills.

Under House Bill 6061, the potential for savings could result from the requirement to hold a recall election during a regularly scheduled May or November election. A local unit of government could realize savings by not having to have a special election during a non-regularly scheduled election. Again, the savings would be an estimated \$2,000 per voting precinct.

Date Completed: 12-7-12

Fiscal Analyst: Joe Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.