



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 4271 (Substitute H-2 as passed by the House)
House Bill 4272 (Substitute H-2 as passed by the House)
House Bill 4273 (Substitute H-3 as passed by the House)
House Bill 4274 (Substitute H-2 as passed by the House)
House Bill 4276 (Substitute H-2 as passed by the House)
House Bill 4385 (as passed by the House)
Sponsor: Representative Lisa Posthumus Lyons (H.B. 4271 & 4276)
Representative Dan Lauwers (H.B. 4273)
Representative Kurt Heise (H.B. 4274)
Representative Bradford Jacobson (H.B. 4385)
House Committee: Elections
Senate Committee: Elections and Government Reform

Date Completed: 6-3-15

CONTENT

The bills would amend the Michigan Election Law to eliminate the February regular election date and delete related references.

All of the bills are tie-barred and each would take effect 90 days after enactment.

House Bill 4273 (H-3)

As a rule, Section 641 of the Election Law requires an election to be held on one of four regular election dates, which include the February regular election date. That date is the fourth Tuesday in February, except in a presidential election year when a statewide presidential primary is held under Section 613a. In such a year, the February regular election date is the second Tuesday in March.

The bill would delete the February regular election date, as well as the exception for presidential election years.

The remaining regular election dates are in May, August, and November, and the regular election date in each of those months is the first Tuesday after the first Monday of the month. The bill would continue to require an election to be held on one of those dates, except as otherwise provided in Section 641 or 613a. (Section 613a requires a statewide presidential primary election to be conducted on the second Tuesday of March.)

House Bill 4271 (H-2)

Section 570a of the Election Law requires the official primary ballot to include candidates for township offices, and contains related requirements. This section provides that all references in the Election Law to a February primary must be deemed to be references to the primary held in August before the general November election and all references to an April election must be deemed to be references to the general November election. The bill would delete that language.

House Bill 4272 (H-2)

Section 642 of the Election Law specifies the dates on which a city must hold its regular election or regular primary election, and includes provisions under which a city may hold its regular election on the May regular election date.

If a city's regular election is held on the May regular election date, the city's regular election primary must be held on the February regular election date. Under the bill, if a city's regular election were held on the May regular election date, the city could not hold a regular primary election.

House Bills 4274 (H-2) & 4276 (H-2)

Various sections of the Election Law govern recall primary elections and recall general elections for specified officials (the Governor, U.S. Senators, members of the U.S. Congress, State Senators and Representatives, elected State officials except the Secretary of State, and county officials except county commissioners).

Under Section 970e, the candidate of each political party receiving the most votes cast for candidates at the recall primary election must be declared the nominee of that political party at the recall general election to be held on the next February regular election date or the next August regular election date, whichever occurs first.

Under Section 963, if a petition is filed for the recall of the Governor, a special recall election must be at least 95 days after the date the petition is filed, and must be held on the next February regular election date or the next August regular election date, whichever is first.

House Bills 4274 (H-2) and 4276 (H-2) would amend Sections 970e and 963, respectively, to refer to the next May regular election date, rather than the next February regular election date.

House Bill 4385

Section 322 sets filing deadlines for the name of a candidate for a city office to appear on the official February primary election ballot. The bill would delete those provisions.

MCL 168.570a (H.B. 4271)
168.642 (H.B. 4272)
168.641 (H.B. 4273)
168.970e (H.B. 4274)
168.963 (H.B. 4276)
168.322 (H.B. 4385)

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill should have no fiscal impact on the Department of State.

Local units of government could potentially realize savings with the elimination of the February election date. According to the Department of State, the average local cost to hold an election is an estimated \$2,000 per precinct for expenses associated with administration, set-up, printing of ballots, and payment of poll workers. Thus, the potential savings for local units of government that now hold February elections would depend on the number of precincts in that particular election at roughly \$2,000 per precinct.

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.