

## TIME FRAME FOR ELECTION-RELATED LAWSUITS

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 6053 as introduced**  
**Sponsor: Rep. Penelope Tsernoglou**  
**Committee: Elections**  
**Complete to 11-11-24**

Analysis available at  
<http://www.legislature.mi.gov>

## SUMMARY:

House Bill 6053 would amend 1969 PA 161, which applies to certain election-related civil actions filed before an election takes place. The act provides a rebuttable presumption that a claim brought within 28 days before the election it relates to was unreasonably delayed and should be denied by the court. (A rebuttable presumption can be overcome with evidence to the contrary.) The bill would extend this time period to 45 days before the election date and expand the election-related matters to which these provisions apply.

Currently under the act, in a civil action brought in a Michigan circuit court that affects any of the following, there is a rebuttable presumption of laches (a legal term meaning that a claim was unreasonably delayed, to the detriment of the other party, and can be denied on that basis) if the action is commenced less than 28 days before the date of the affected election:

- Elections.
- Dates of elections.
- Candidates.
- Qualifications of candidates.
- Ballots.
- Questions on ballots.

The bill would instead provide that, in a civil action brought in a *Michigan court* that affects any of the following, there is a rebuttable presumption of laches if the action is commenced less than 45 days before the date of the affected election:

- Elections.
- Dates of elections.
- Candidates.
- Qualifications of candidates.
- Ballots.
- Questions on ballots.
- *Polling places, if established by the applicable deadline.*
- *Drop box locations, if established by the applicable deadline.*
- *Early voting locations, if established by the applicable deadline.*

The act also now provides that it does not apply if a civil action is based on something the state legislature or a county, city, village, or township legislative body did within 28 days before the date of an election. The bill would not amend this provision.

MCL 691.1032

**FISCAL IMPACT:**

The bill would have no fiscal impact on the state or local units of government.

Legislative Analyst: Rick Yuille  
Fiscal Analyst: Michael Cnossen

---

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