

Legislative Analysis



TIME FRAME FOR ELECTION-RELATED LAWSUITS

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House Bill 6053 (H-1) as reported from committee

Sponsor: Rep. Penelope Tsernoglou

Committee: Elections

Complete to 12-7-24

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

(Enacted as Public Act 222 of 2024)

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, expand the election-related matters to which these provisions apply, and repeal a provision that currently exempts claims related to state and local legislative actions.

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 repeal this provision.

MCL 691.1032

BRIEF DISCUSSION:

Supporters of House Bill 6053 argue that changing the deadline for a rebuttable presumption of timeliness in election-related claims to 45 days before the election is necessary to align with deadlines in state and federal law, particularly because the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) requires absentee ballots to be sent to military and overseas voters at least 45 days before a federal election. Supporters suggest that the bill would give clerks and voters more clarity about and confidence in election processes, as at 45 days before an election, there should be a very compelling reason to file an action to change an established procedure.

Opponents of the bill argue that the current deadline of 28 days is sufficient.

FISCAL IMPACT:

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

POSITIONS:

A representative of the Department of State testified in support of the bill. (11-12-24)

The following entities indicated support for the bill (11-12-24):

- American Civil Liberties Union of Michigan
- Voters Not Politicians

A representative of Pure Integrity for Michigan Elections testified in opposition to the bill. (11-12-24)

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■ 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.