

MINUTES OF THE COMMITTEE ON REDISTRICTING AND ELECTIONS

December 4, 2012

9:00 a.m.

Room 521 House Office Building

Chair Lund called the meeting to order.

Present were: Reps. Lund, McBroom, Knollenberg, Tyler, Outman, Pscholka, Byrum, Nathan, Stanley,

Absent and excused: None.

Chair Lund laid before the Committee the following 2 bill package.

SB 810 - Hansen - Elections; local; village elections to be held in November; require and permit cities to hold elections in even year.

SB 811 - Hansen - Villages; general law; references to September primary elections; remove.

Chair Lund recognized Senator Hansen to explain SB 810 and SB 811.

The following people filled out testimony cards in support of SB 810 and SB 811 but did not want to testify.

Mary Hollinrake representing the Michigan Association of County Clerks

Chris Swope representing the Michigan Association of Municipal Clerk

Mike Batterbee representing the Secretary of State

Rep. Knollenberg moved to report out SB 810 with the recommendation that it pass. The motion prevailed, the vote being 8-0-1.

FAVORABLE ROLL CALL:

Yeas: Reps. Lund, Knollenberg, Tyler, Outman, Pscholka, Byrum, Nathan, Stanley,

Nays: None,

Pass: None.

Rep. Tyler moved to report out SB 811 with the recommendation that it pass. The motion prevailed, the vote being 8-0-1.

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FAVORABLE ROLL CALL:

Yeas: Reps. Lund, Knollenberg, Tyler, Outman, Pscholka, Byrum, Nathan, Stanley,

Nays: None,

Pass: None.

Chair Lund laid before the Committee SB 204 - Kowall - Elections; special elections; requirement for a special election when a vacancy occurs in the office of county commissioner during an odd numbered year; eliminate.

Chair Lund recognized Senator Kowall to explain SB 204.

Chair Lund recognized Mary Hollinrake representing the Michigan Association of County Clerks to answer questions by members of the Committee on Redistricting & Elections concerning SB 204.

The following people filled out testimony cards in support of SB 204 but did not want to testify.

Michigan Association of Counties

Bill Zaagman representing the Michigan Association of County Clerks

Chris Swope representing the Michigan Association of Municipal Clerks

The following person filled out a testimony card stating a neutral position on SB 204 but did not want to testify.

Mike Batterbee representing the Secretary of State

Rep. Byrum moved to amend SB 204 as follows:

1. Amend page 2, following line 13, by inserting:
"Enacting section 1. This amendatory act takes effect January 1, 2015."

The motion did not prevail, the vote being 3-5-1.

UNFAVORABLE ROLL CALL:

Yeas: Reps. Byrum, Nathan, Stanley,

Nays: Reps. Lund, Knollenberg, Tyler, Outman, Pscholka,

Pass: None.

Rep. Outman moved to report out SB 204 with the recommendation that it pass.

The motion prevailed, the vote being 5-3-1.

FAVORABLE ROLL CALL:

Yeas: Reps. Lund, Knollenberg, Tyler, Outman, Pscholka,

Nays: Reps. Byrum, Nathan, Stanley,

Pass: None.

Chair Lund laid before the Committee the following package of bills.

HB 6058 - Lane - Elections; recall; appealing a determination of sufficient clarity; clarify as a stay for circulating recall petitions for signatures.

HB 6059 - Farrington - Elections; recall; recall petitions and procedures; revise.

HB 6060 - Forlini - Elections; recall; factual accuracy requirement to initial clarity

HB 6061 - Switalski - Elections; recall; recall election; limit to November and May elections.

HB 6062 - LaFontaine - Elections; other ; board of county election commissioners membership; modify to remove probate judge and add county prosecutor.

HB 6063 - Haugh - Elections; recall; time to submit recall petition to board of county election commissioners; provide for.

Chair Lund recognized Rep. Forlini and Rep. Lane to explain the package of bills and to answer questions.

Chair Lund recognized Mike Batterbee and Chris Thomas representing the Secretary of State who testified the following:

HB 6058 a neutral position
HB 6059 supports the bill
HB 6060 supports the bill
HB 6061 opposes the bill
HB 6062 a neutral position
HB 6063 have concerns

Chair Lund recognized Tom Frazier representing the Michigan Township Association who testified in support of HB 6058 - HB 6063

The following person testified in support of HB 6058, HB 6059, HB 6061 and HB 6063.

Mary Hollinrake representing the Michigan Association of County Clerks

The following person testified in support of HB 6058, HB 6060 and HB 6063.

Chris Swope representing the Michigan Association of Municipal Clerks

Chair Lund stated that the Committee on Redistricting & Elections would not be taking HB 6062 at the meeting today.

The following person filled out a testimony card in opposition to HB 6062 but did not want to testify.

Bill Kandler representing the Michigan Probate Judges Association

Rep. Byrum moved to amend HB 6058 as follows:

1. Amend page 6 following line 16, by inserting:
"Enacting section 1. This amendatory act takes effect January 1, 2015."

The motion did not prevail, the vote being 3-6-0.

UNFAVORABLE ROLL CALL:

Yeas: Reps. Byrum, Nathan, Stanley

Nays: Reps. Lund, McBroom, Knollenberg, Tyler, Outman, Pscholka,

Nays: None.

Rep. Stanley moved to amend HB 6058 as follows:

1. Amend page 3, line 11, after "court" by inserting "**OR UNTIL 20 DAYS AFTER THE DATE OF THE APPEAL, WHICHEVER IS SOONER**".
2. Amend page 3, line 11, by inserting:
"**(7) A PETITION IS NOT VALID FOR CIRCULATION IF AT ANY TIME A CIRCUIT COURT DETERMINES THE RECALL PETITION IS NOT OF SUFFICIENT CLARITY.**" and by renumbering the remaining subsection.
3. Amend page 3, line 16 after "days" by striking out the balance of the line through "**LATER**" on line 19 and inserting
**"AFTER EITHER OF THE FOLLOWING, WHICHEVER OCCURS LATER:
(A) THE DATE OF DETERMINATION OF SUFFICIENT CLARITY BY THE BOARD OF COUNTY ELECTION COMMISSIONERS.
(B) THE SOONER OF THE FOLLOWING.
(i) THE DATE OF DETERMINATION OF SUFFICIENT CLARITY BY THE CIRCUIT COURT.
(ii) SUBJECT TO SUBSECTION (7), 20 DAYS AFTER THE DATE OF THE APPEAL UNDER SUBSECTION (6).**
(9)".
4. Amend page 3, line 20, after "in" by striking out "this subsection" and inserting "**SUBSECTION (8)**".

The motion prevailed, the vote being 9-0-0.

FAVORABLE ROLL CALL:

Yeas: Reps. Lund, McBroom, Knollenberg, Tyler, Outman, Pscholka, Byrum, Nathan, Stanley,

Nays: None,

Pass: None.

Rep. McBroom moved to report out HB 6058, substitute H-1 with the recommendation that it pass. The motion prevailed, the vote being 7-0-2.

FAVORABLE ROLL CALL:

Yeas: Reps. Lund, McBroom, Knollenberg, Tyler, Outman, Pscholka, Stanley,

Nays: None,

Pass: Reps. Byrum, Nathan.

Rep. Byrum moved to amend HB 6059 as follows:

1. Amend page 6, following line 18, by inserting:
"Enacting section 1. This amendatory act takes effect January 1, 2015."

The motion did not prevail, the vote being 2-6-1.

UNFAVORABLE ROLL CALL:

Yeas: Rep. Byrum, Nathan,

Nays: Reps. Lund, McBroom, Knollenberg, Tyler, Outman, Pscholka,

Pass: Rep. Stanley.

Rep. McBroom moved to report out HB 6059 with the recommendation that it pass. The motion prevailed, the vote being 6-0-3.

FAVORABLE ROLL CALL:

Yeas: Reps. Lund, McBroom, Tyler, Outman, Pscholka, Stanley,

Nays: None,

Pass: Reps. Knollenberg, Byrum, Nathan.

Rep. Byrum moved to amend HB 6060 as follows:

1. Amend page 7, following line 7, by inserting:
"Enacting section 1. This amendatory act take effect January 1, 2015".

The motion did not prevail, the vote being 3-6-0.

UNFAVORABLE ROLL CALL:

Yeas: Reps. Byrum, Nathan, Stanley,

Nays: Reps. Lund, McBroom, Knollenberg, Tyler, Outman, Pscholka,

Pass: None.

Rep. McBroom moved to report out HB 6060 with the recommendation that it pass. The motion prevailed, the vote being 7-0-2.

FAVORABLE ROLL CALL:

Yeas: Reps. Lund, McBroom, Knollenberg, Tyler, Outman, Pscholka, Stanley,

Nays: None,

Pass: Reps. Byrum, Nathan.

Rep. Byrum moved to amend HB 6061 as follows:

1. Amend page, 2 following line 17, by inserting:
"Enacting section 1. This amendatory act takes effect January 1, 2015".

The motion did not prevail, the vote being 3-6-0.

UNFAVORABLE ROLL CALL:

Yeas: Reps. Byrum, Nathan, Stanley,

Nays: Reps. Lund, McBroom, Knollenberg, Tyler, Outman, Pscholka,

Pass: None.

Rep. McBroom moved to report out HB 6061 with the recommendation that it pass. The motion prevailed, the vote being 7-0-2.

FAVORABLE ROLL CALL:

Yeas: Reps. Lund, McBroom, Knollenberg, Tyler, Outman, Pscholka, Stanley,

Nays: None,

Pass: Reps. Byrum, Nathan.

Rep. Byrum moved to amend HB 6063 as follows:

1. Amend page 3, following line 23, by inserting:
"Enacting sections 1. This amendatory act takes effect January 1, 2015".

The motion did not prevail, the vote being 3-6-0.

UNFAVORABLE ROLL CALL:

Yeas: Reps. Byrum, Nathan, Stanley,

Nays: Reps. Lund, McBroom, Knollenberg, Tyler, Outman, Pscholka,

Pass: None.

Rep. Tyler moved to amend HB 6063 as follows:

1. Amend page 2, line 5, after "resides" by inserting "**TO DETERMINE IF THE PETITION IS OF SUFFICIENT CLARITY**".
2. Amend page 2, line 6, after "**COMMISSIONERS**" by inserting "**TO DETERMINE IF THE PETITION IS OF SUFFICIENT CLARITY**".
3. Amend page 2, line 11, after "**COMMISSIONERS**" by inserting "**TO DETERMINE IF THE PETITION IS OF SUFFICIENT CLARITY**".

The motion prevailed, the vote being 8-0-1.

FAVORABLE ROLL CALL:

Yeas: Reps. Lund, McBroom, Knollenberg, Tyler, Outman, Pscholka, Byrum, Stanley,

Nays: None,

Pass: Rep. Nathan.

Rep. McBroom moved to report out HB 6063, substitute H-1 with the recommendation that it pass. The motion prevailed, the vote being 7-0-2.

FAVORABLE ROLL CALL:

Yeas: Reps. Lund, McBroom, Knollenberg, Tyler, Outman, Pscholka, Stanley,

Nays: None,

Pass: Rep. Byrum, Nathan.

Chair Lund recessed the meeting to the call of the chair, the time being 10:40 a.m.

Chair Lund reconvened the meeting and announced that a quorum was present, the time being 5:10 p.m.

Chair Lund laid before the Committee the following 2 bill package.

HB 5511 - Durhal - Campaign finance; statements and reports; postelection statement; modify

HB 5512 - Durhal - Campaign; finance; other; payment plan for certain fines or fees; allow for.

Chair Lund recognized Rep. Durhal to explain the bills.

The following person filled out a testimony card in support of HB 5511 and HB 5512, with amendments, but did not want to testify.

Mike Batterbee representing the Secretary of State

Rep. Nathan moved to amend HB 5511 as follows:

1. Amend page 2, line 12, after "169,215" by inserting a comma and "**AND THAT THE CANDIDATE IS CURRENT ON THAT PAYMENT PLAN**".

The motion prevailed, the vote being 9-0-0.

FAVORABLE ROLL CALL:

Yeas: Reps. Lund, McBroom, Knollenberg, Tyler, Outman, Pscholka, Byrum, Nathan, Stanley,

Nays: None,

Pass: None.

Rep. McBroom moved to report out HB 5511, as amended, with the recommendation that it pass. The motion prevailed, the vote being 9-0-0.

FAVORABLE ROLL CALL:

Yeas: Reps. Lund, McBroom, Knollenberg, Tyler, Outman, Pscholka, Byrum, Nathan, Stanley,

Nays: None,

Pass: None.

Rep. McBroom moved to adopt the substitute H-2 to HB 5512. The motion prevailed, the vote being 9-0-0.

FAVORABLE ROLL CALL:

Yeas: Reps. Lund, McBroom, Knollenberg, Tyler, Outman, Pscholka, Byrum, Nathan, Stanley,

Nays: None,

Pass: None.

Rep. Byrum moved to report out HB 5512, substitute H-2 with the recommendation that it pass. The motion prevailed, the vote being 9-0-0.

FAVORABLE ROLL CALL:

Yeas: Reps. Lund, McBroom, Knollenberg, Tyler, Outman, Pscholka, Byrum, Nathan, Stanley,

Nays: None,

Pass: None.

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With no further business to come before the Committee Chair Lund adjourned the meeting, the time being 5:25 p.m.

Representative Pete Lund, Chair

Mary Lou Terrien, Clerk

PROPOSED