

RECALL CANDIDATES AND RECALL COMMITTEES

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House Bill 5910 as introduced
Sponsor: Rep. Ann M. Bollin
Committee: Elections and Ethics
Revised 5-1-22

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

SUMMARY:

House Bill 5910 would amend the Michigan Campaign Finance Act to require officeholders subject to a recall election to organize a committee for the recall for campaign finance purposes. The recall committee would have to report contributions, have a treasurer approve expenditures, and return unexpended contributions to donors either when a recall petition is found insufficient or after the election has been held. The bill also would impose limits on contributions to a recall committee. The bill would take effect Wednesday, November 9, 2022 (the day after the 2022 general election).

Recall committees

The bill would require a *recall candidate* to form a *recall committee* within 10 days after becoming a recall candidate.

Recall candidate would mean an officeholder for whom a recall petition has been determined to be valid for circulation under the Michigan Election Law.

Recall committee would mean the committee designated in a recall candidate's filed statement of organization as that individual's recall committee.

Except as provided by law, a recall committee would have to have one account in a financial institution in Michigan as an official depository (and designated as such) for all contributions and expenditures. The account would not have to be established until the recall committee receives a contribution or makes an expenditure.

A recall committee would have to have a treasurer who is a qualified elector in Michigan. (Candidates could appoint themselves.) A recall committee could not accept a contribution or make an expenditure if it does not have a treasurer. In the event of a vacancy, the candidate would be the treasurer until a new treasurer is appointed. A recall committee could not make an expenditure without the authorization of the treasurer or the treasurer's designee.

A recall committee could not make an expenditure until the filing official with whom the recall petition was filed makes an official declaration of the sufficiency of the recall petition under the Michigan Election Law.

Contributions received by an individual acting on behalf of a recall committee would have to be reported to the committee's treasurer no later than 5 days before the closing date of any campaign statement required to be filed by the recall committee. A contribution received less than five days before the closing date would have to be reported to the recall committee treasurer immediately.

A contribution would be considered received by a recall committee when it is received by the treasurer or the treasurer's designated agent regardless of whether deposited in the official depository by the reporting deadline. Contributions received or expenditures made by a recall candidate or an agent of a recall candidate would be considered received or made by the recall committee. Contributions received by a recall committee could not be commingled with other funds of an agent of the recall committee or of any other person.

The recall committee would have to return unexpended funds in the recall committee to donors no later than 30 days after one of the following:

- The filing official with whom the recall petition was filed makes an official declaration of the insufficiency of the recall petition under the Michigan Election Law.
- The results of the recall election have been certified.

A person that violated the above provisions would be subject to a civil fine of up to \$1,000.

Contribution limits

Except for a member of the candidate's immediate family, a person other than an independent committee or political party committee could not make contributions to a recall committee that are more than the following in an election cycle:

- \$6,800 if the candidate is in a state elective office other than state legislator or in a local elective office representing a district with a population of more than 250,000.
- \$2,000 if the candidate is a state senator or is in a local elective office representing a district with a population of more than 85,000 but not more than 250,000.
- \$1,000 if the candidate is a state representative or is in a local elective office representing a district with a population of up to 85,000.

An independent committee or a political party committee (other than a state central committee) could not make contributions to a recall committee that total in an election cycle more than 10 times the amounts described above.

A state central committee could not make contributions to a recall committee of a state senator, state representative, or individual in a local elective office that total in an election cycle more than 10 times the amounts described above for those candidates.

A state central committee could not make contributions to a recall committee of a candidate in a state elective officer other than a state legislator that total in an election cycle more than 20 times the amounts described above for those candidates.

MCL 169.203 et seq. and proposed MCL 169.221b

FISCAL IMPACT:

House Bill 5910 would have an indeterminate fiscal impact on the state and on local units of government. The impact would depend on the number of individuals ordered to pay a civil fine. Fine revenue collected would increase funding for public and county law libraries, and a small portion of the revenue would be deposited into the state Justice System Fund, which supports various justice-related endeavors in the judicial and legislative branches and the Departments of State Police, Corrections, Health and Human Services, and Treasury. The impact on local courts would depend on how provisions of the bill affected caseloads and the related administrative costs. It is difficult to project the actual fiscal impact to courts due to variables such as law enforcement practices, prosecutorial practices, judicial discretion, case types, and complexity of cases.

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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.