

PRESIDENTIAL PRIMARY AS REGULAR ELECTION; & CLARIFY FILING DEADLINES & BALLOT QUESTIONS

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House Bill 4904 as introduced
Sponsor: Rep. Edward McBroom
Committee: Elections
Complete to 9-24-15

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

SUMMARY:

House Bill 4904 would amend the Michigan Election Law to clarify the filing deadlines for local candidates and ballot questions, and also to classify a presidential primary election as a 'regular' election in Michigan. The bill would go into effect 90 days after it was enacted into law.

A more detailed description of the bill follows.

Presidential Primary as Regular Election Date

Now under Michigan law, all Michigan elections must be held on the 'regular election date' during one of three months—May, August, and November. All elections occur on the first Tuesday after the first Monday of that month. House Bill 4904 would retain this provision, and expand it to designate as a regular election date, the date of the statewide presidential primary election that is held in a presidential election year.

Filing Deadlines

Further, Michigan Election law now specifies the filing deadlines by which ballot questions and candidates' names must be submitted to local clerks, to ensure the timely printing and distribution of ballots. Currently, a local, school district, or county *ballot question* must be certified no later than 4 p.m. on the 12th Tuesday before the election. House Bill 4904 would retain this requirement, and clarify that this filing deadline applies to ballot questions of *a political subdivision of the state including, but not limited to, a county, city, village, township, school district, special use district, or other district.*

The law now specifies that the provisions of this section apply notwithstanding any provisions of law or charter to the contrary, unless an earlier date for the filing of affidavits or petitions (including nominating petitions) is provided in a law or charter, in which case the earlier filing date is controlling. House Bill 4904 would eliminate this language, and specify, instead, that *the provisions of this section would apply to and control the filing deadlines for candidates for local office to be elected at the general November election and for all ballot questions of a political subdivision of this state at any regular election, primary election, or special election, notwithstanding any provisions of law or charter to the contrary.*

Bill Intends to Correct Misinterpretations on Filing Deadlines

Finally, Enacting Section 2 of the bill reads: "This amendatory act is curative and intended to correct any misinterpretation of legislative intent by the Michigan Court of Appeals in Meridian Charter Township v Ingham County Clerk, 285 Mich App 581 (2009). It is the intent of the legislature that this amendatory act expresses the original intent of the legislature that MCL 168.646a(3) supersedes any and all conflicting provisions of law or charter prescribing the filing deadlines for candidates for local office to be elected at the general November election and for all ballot questions of a political subdivision of this state at any regular election, primary election, or special election."

MCL 168.641 & 168.646a

FISCAL IMPACT:

A fiscal analysis is in process.

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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.