

MAKE RESIGNATIONS & REMOVALS FROM LEGISLATURE EFFECTIVE FOR DURATION OF TERM

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House Bill 4208 as introduced
Sponsor: Rep. Aaron Miller
Committee: Elections & Ethics
Complete to 2-14-17

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

SUMMARY:

House Bill 4208 would amend two sections of Michigan Election Law (MCL 168.175 and 168.177) concerning removal and resignation of state senators and representatives. It would prohibit a member who resigned or was expelled from competing in the special election to fill out the term of office. This bill would take effect 90 days after enactment.

Now, a state senator or representative who resigns that office must file a written notice with the effective date of the resignation with the presiding officer of the respective house, who will transmit that notice to the governor. House Bill 4208 would add a clarification that the resignation will remain in effect for the duration of the unexpired legislative term.

Likewise, the bill would provide that the removal of a senator or representative remains in effect for the duration of the unexpired legislative term.

Removal from office is described in Article IV, Section 16, of the Michigan Constitution,¹ and provides that a senator or representative's house is "the sole judge of the qualifications, elections, and returns of its members." A member may be expelled if two-thirds of the body votes for expulsion. No member may be expelled a second time for the same cause.

An identical bill was introduced in the 2015-2016 legislative session as House Bill 5407. It was reported out of the House Elections committee, and passed the full House on March 24, 2016.²

FISCAL IMPACT:

The bill does not appear to have any fiscal impact.

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Fiscal Analyst: Ben Gielczyk

■ 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.

¹ [http://www.legislature.mi.gov/\(S\(hsbkhubb5srwfsfgh0ibpd5q\)\)/mileg.aspx?page=getObject&objectName=mcl-Article-IV-16](http://www.legislature.mi.gov/(S(hsbkhubb5srwfsfgh0ibpd5q))/mileg.aspx?page=getObject&objectName=mcl-Article-IV-16)

² <http://www.legislature.mi.gov/documents/2015-2016/billanalysis/House/pdf/2015-HLA-5407-D3DA2E29.pdf>