

EXTEND DEADLINE FOR RECALL PETITION REVIEW

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House Bill 5550 as reported from committee

Sponsor: Rep. Penelope Tsernoglou

Committee: Elections

Complete to 4-18-24

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

SUMMARY:

House Bill 5550 would amend the Michigan Election Law to extend the time period by which an elections board must determine a recall petition to be factual and of sufficient clarity from 20 days to 40 days.

Under the Michigan Election Law, the Board of State Canvassers (BSC) must review petitions for the recall of U.S. senators, members of Congress, state senators and representatives, elected state officers, and county officials except county commissioners. County election commissioners review recall petitions for elected county commissioners; township, city, village, or school officials; elected district library board members; and elected metropolitan district officers.

After receiving a petition to recall an elected official, the BSC or a board of county election commissioners, as applicable, must vote on whether each reason for the recall stated by the petition is factual and of sufficient clarity to enable voters and the officer subject to the proposed recall to identify the basis for the recall. A board currently must hold a vote at least 10 days, but no more than 20 days, after receiving a recall petition.

House Bill 5550 would extend the time period according to which the BSC or a board of county election commissioners must hold a vote on a petition from 20 to 40 days after the petition is submitted. (The 10-day minimum would still apply.)

MCL 168.951a and 168.952

BRIEF DISCUSSION:

According to committee testimony, the changes made by House Bill 5550 would increase convenience for BSC members and county election commissioners, which is especially important given the recent increase in recalls. The current time frame has resulted in these boards needing to hold additional meetings to review recall petitions, so allowing the petitions to be reviewed at regular monthly meetings would make the schedules more predictable for those who serve, often as unpaid volunteers, in these positions. Changing the law to accommodate a monthly meeting schedule would also lessen the possibility that a petition that would otherwise be rejected during a review is automatically approved for circulation when the BSC or a board of county election commissioners is unable to hold a meeting within the 20-day window. Additionally, a consistent meeting timeline would also help the public become more engaged in the recall process.

FISCAL IMPACT:

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

POSITIONS:

Representatives of the Department of State testified in support of the bill. (3-12-24)

Pure Integrity for Michigan Elections indicated opposition to the bill. (3-19-24)

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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.