Legislative Analysis

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ELIMINATE FEBRUARY REGULAR ELECTION DATE

House Bill 4271 (H-2) as reported from committee
House Bill 4276 (H-2) as reported from committee
Sponsor: Rep. Lisa Posthumus Lyons

House Bill 4272 (H-2) as reported from committee
Sponsor: Rep. Dan Lauwers

(Enacted versions of bills: PA 98-103 of 2015)

House Bill 4273 (H-3) as reported from committee
Sponsor: Rep. Kurt Heise

House Bill 4274 (H-2) as reported from committee
Sponsor: Rep. Klint Kesto

House Bill 4385 as reported from committee w/o amendment
Sponsor: Rep. Bradford C. Jacobsen

Committee: Elections
Complete to 3-25-15

BRIEF SUMMARY: The bills would eliminate Michigan's February election date, which is one of four regular election dates allowed under the state's Election Law.

FISCAL IMPACT: There would be no significant fiscal impact to the state. The Department of State does not expect to see any savings or cost increases as a result of the bills. In addition, the fiscal impact to local governments is indeterminate. There are too many unknown variables to quantify any potential cost savings or increases that local government could realize with elimination of the February election date.

THE APPARENT PROBLEM:

In 2003 the Michigan legislature enrolled nine bills—later known as Public Acts 298 through 306 of 2003—to revise Michigan's election calendar by consolidating the dates on which state and local elections could be scheduled. See Background Information, below. The bills were signed into law in January 2004, and went into effect one year later in January 2005. They became known as Michigan's Consolidated Election Laws.

Four days were identified as possible election days: the fourth Tuesday in **February**, the first Tuesday after the first Monday in **May**, the first Tuesday after the first Monday in **August**; and the first Tuesday after the first Monday in **November**.

Now, 10 years after enactment, we know the February election has the lowest voter turnout. And, it is the election date often selected by school officials and local government leaders

when they seek voter approval of bond proposals, millage renewals, and changes in local charters.

To ensure that more voters have an opportunity to vote on revenue requests, legislation has been introduced to eliminate the February election date, thereby requiring local officials to schedule their bond proposals and millage renewal requests on election dates when more taxpayers participate.

THE CONTENT OF THE BILLS:

The six bills would amend various sections of the Michigan Election Law to eliminate Michigan's regular February election date.

Currently under the consolidated election law, Michigan has four days during the year on which elections can occur, as follows:

- The February regular election date (the fourth Tuesday in February)
- The May regular election date (the first Tuesday after the first Monday)
- The August regular election date (the first Tuesday after the first Monday)
- The November regular election date (the first Tuesday after the first Monday)

These bills would reduce the number of Michigan regular election dates during the year from four to three, by eliminating the February election date.

The bills are tie-barred so that none could go into effect unless all are enacted into law. They would take effect 90 days after their enactment.

A more detailed description of each bill follows.

House Bill 4273 (H-3) would amend the Michigan Election Law (MCL 168.641) to **eliminate** the provision that establishes a **February regular election date** as the fourth Tuesday in February. Also eliminated would be the provision that specifies that in each presidential election year when a statewide presidential primary is held, the February regular election date is the second Tuesday in March.

House Bill 4271 (H-2) would amend the Michigan Election Law (168.570a) to **eliminate** references to **township elections having a February primary and April general election**.

House Bill 4272 (H-2) would amend the Michigan Election Law (MCL 168.642) to **prohibit** a city whose regular election is on the **May regular election** date from holding a regular **primary** election.

Now under the law, a city whose regular election is in May is required to hold its primary election on the February regular election date (the date that these bills propose to eliminate).

House Bill 4276 (H-2) would amend the Michigan Election Law (MCL 168.963) to set **recall elections** for the next May regular election date or the next August regular election date, whichever occurs first, after a recall petition is properly filed. Currently under the law, a recall election is scheduled at the next February or August election. Under the bill, the February date would be eliminated

Finally, **House Bill 4274 (H-2)** would amend another provision of the Michigan Election Law (MCL 168.970e) to require that **recall elections** be held at a May regular election date, and eliminate the reference to a February regular election date.

BACKGROUND INFORMATION:

For more information about Michigan's consolidated election laws, visit the website of the Office of the Secretary of State at:
http://www.michigan.gov/sos/0,4670,7-127-1640_9150-118151--,00.html

ARGUMENTS:

For:

Proponents say that enacting these bills into law, to eliminate the February election date, will save taxpayers money. They say that although few voters participate in February elections—often due to inclement weather—local clerks incur significant costs to set up and administer those elections. Ballots must be printed, and poll workers must be paid, despite low turnouts. Proponents argue the further consolidation of Michigan's election days, moving from four days each year to three days, will reduce costs in every county by tens of thousands of dollars.

Proponents also say the bills will ensure more voter participation in elections at which property tax increases are often key. Supporters of the bills note that local government officials often use the February date to schedule "stealth" elections. The low turnout February date is chosen purposely, they say, because only a school's strongest advocates will get to the polls to vote in favor of school millages or the sale of bonds to enhance school services. The elimination of the February election date will force local officials to schedule their tax questions on any of the three remaining election days, all of which attract more voters than the mid-winter February election.

Response:

A spokesperson for the non-profit Michigan Campaign Finance Network (which is neutral on the bill) observes that the Michigan Campaign Finance Act requires the filing of campaign financial statements for each February election. If the February election date is eliminated, then the Campaign Finance Act should be amended to eliminate the February filing deadline that corresponds to February election.

Against:

Opponents of the legislation who speak for school officials note that the February election should not be eliminated because it allows school board members to better plan their fiscal year. They observe that most school boards operate within fiscal years that begin on July

1 (and run through June 30 of the following year). Consequently, their budget planning is done in the spring.

Spokesmen for the schools say the February election is advantageous for the delivery of educational services in two ways. First, if a school bond proposal is passed by voters at the February election rather than at a May election, then school board members and bond counsel have three additional months during which the school district can sell its debt, ensure a source of revenue, and plan its academic programs for the coming fiscal year. Second, if a property tax millage must be renewed for the coming fiscal year, an early February ballot question—should it fail to be approved—can be placed before voters once again in May. Without an opportunity for voters to reconsider a once failed millage request, it is likely school services will be more frequently disrupted, if not completely curtailed.

Against:

Some opponents note that this legislation—to eliminate one of only four chances to vote each year—reduces the right of Michigan citizens to run their democracy by 25 percent. To ensure that voter participation does not drop, they argue the bills should not be adopted. If, however, they are adopted, then they should be amended to allow for a new policy of No Reason Absentee Voting in Michigan. The opponents of the bills say that finding ways to improve voter access and increase participation—rather than to deny or impede it—should be the focus of our efforts. If our participatory democracy is to survive, they say, its citizens must be informed and engaged. The more frequently voters are involved, the better.

POSITIONS:

The Secretary of State supports the bills. (3-11-15)

The Michigan Association of County Clerks supports the bills. (3-25-15)

The Michigan Association of Municipal Clerks supports the bills. (3-25-15)

The Michigan Council of Election Officials supports the bills. (3-11-15)

The Michigan Townships Association supports the bills. (3-11-15)

The Michigan Association of School Boards opposes the bills. (3-11-15)

South Central Education Policy (six intermediate school districts, or ISDs) opposes House Bill 4273. (3-11-15)

Wayne Regional Education Services Agency (RESA) opposes House Bill 4273. (3-11-15)

Middle Cities Education Association opposes House Bill 4273. (3-11-15)

The Michigan Campaign Finance Network is neutral on the bills. (3-11-15)

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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.