

Legislative Analysis



RECALL COMMITTEE

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House Bill 5614 as introduced
Sponsor: Rep. Greg VanWoerkom
Committee: Elections and Ethics
Complete to 2-7-22

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

SUMMARY:

House Bill 5614 would amend the Michigan Campaign Finance Act to require a ***recall candidate*** to form a single ***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 sufficient under section 963 of 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.

A recall committee would have to have a treasurer who is a qualified elector in Michigan and could not accept contributions or make expenditures if it did not have a treasurer. The treasurer could be the candidate himself or herself.

Except as otherwise provided, the recall committee would have to have one account in a financial institution in Michigan as a designated official depository for contributions received and expenditures made by the recall committee. The account would not have to be established until the recall committee received a contribution or made an expenditure.

A recall committee could not make an expenditure without the authorization of the treasurer or the treasurer's designee. The contributions received or expenditures made by a recall candidate or his or her agent would be considered received or made by the committee.

Contributions received by an individual acting on behalf of a recall committee would have to be reported promptly to the recall committee's treasurer at least five days before a required campaign statement closing date, or immediately if received less than five days before the closing date. A contribution would be considered received when it was received by the treasurer or treasurer's designee even if it were not deposited in the official depository by the reporting deadline.

Contributions received by a recall committee could not be commingled with other funds of an agent of the committee or any other person.

Once the results of the recall election were certified, unexpended funds in the recall committee would have to be returned to donors.

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

The bill also would make recall committees subject to several requirements for filing a statement of organization that apply to other committees.

The bill says that it is retroactive and takes effect January 1, 2021.

MCL 169.203 et seq. and proposed MCL 169.221b

FISCAL IMPACT:

House Bill 5614 would have an indeterminate fiscal impact on the state and on local units of government. The impact would depend on the number of individuals held responsible for a civil infraction and ordered to pay a fine. The majority of the revenue collected would increase funding for public and county law libraries, and a small portion of the revenue would be deposited into the state's Justice System Fund, which supports various justice-related endeavors in the judicial and legislative branches of government.

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