

# Legislative Analysis



## ELECTION TO FILL LEGISLATIVE VACANCY

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 4996 as enrolled**  
**Sponsor: Rep. Andrea K. Schroeder**  
**House Committee: Elections and Ethics**  
**Senate Committee: Elections**  
**Complete to 8-4-22**

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

*(Vetoed by the Governor 7-1-22)*

### SUMMARY:

House Bill 4996 would institute a 30-day deadline by which the governor must announce the timing of an election to fill a vacancy in the House of Representatives or the Senate.

Currently, the Michigan Election Law provides that the governor may call a special election to fill a vacancy in a House or Senate seat. If the governor elects not to call a special election, the seat is filled at the next general election.

The bill would retain both of those options but would require the governor to announce which will be used within 30 days after the vacancy occurs. If the governor opted to call a special election, the date of the special election also would have to be announced at that time.

MCL 168.178 and 168.634

### FISCAL IMPACT:

The bill would not have a direct fiscal impact on the state or local units of government. The governor currently directs whether a special election will be held to fill a vacant position or the position will be filled at the next general election. The bill would only impose a time requirement on the governor's discretion to announce which election will be used to fill the position. Any change in the number of special elections held would have a fiscal impact on local governments and potentially the state if the state reimburses local governments' costs.

The average cost to counties for holding a special election, including both a primary and general election, is approximately \$30,000, while the average cost to city and township jurisdictions is approximately \$10,000. The number of jurisdictions within each state legislative district varies along with the costs for each to hold a special election. The average total cost of holding one special election is approximately \$160,000 across multiple local governments. These estimates assume that no other state or local election would be held that would otherwise support the costs of the special election.

### Vetoed 7-1-22:

In her veto message, Governor Whitmer stated that the bill places restrictions on the executive branch's exercise of its constitutional authority and would tie the hands of future governors.

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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.