

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 5201 (Substitute H-2 as reported without amendment)
Sponsor: Representative Penny Crissman
House Committee: Local Government
Senate Committee: Government Operations

Date Completed: 10-27-98

RATIONALE

There are numerous statutes that govern the operation of political subdivisions and local units in the State. Many of these statutes contain requirements regarding the size, form, content, and handling of nominating and ballot question petitions. It has been pointed out that the provisions are not standard and often contain differing requirements. A package of over 60 bills (many of which have been enacted) was introduced to amend various acts to provide standard petition requirements, by requiring that petitions be submitted according to requirements in the Michigan Election Law. It has been suggested that the Revised School Code also be amended to conform to petition requirements prescribed in the Election Law.

CONTENT

The bill would amend the Revised School Code to provide that petitions, as well as the circulation and signing of petitions, under the Code would be subject to the provisions and penalties prescribed in Section 488 of the Michigan Election Law. Section 488 specifies that Section 544c applies to a nominating petition for an office in a political subdivision under a statute that refers to Section 488, and to the circulation and signing of the petition. (Section 544c prescribes the size, form, content, and handling of nominating petitions; and prescribes penalties for violations of petition requirements.) Section 488 also provides that portions of Section 482 of the Election Law apply to a petition to place a question on the ballot before the electorate of a political subdivision under a statute that refers to Section 488, and to the circulation and signing of the petitions. (Section 482 prescribes the form, content, and handling of petitions for initiative or referendum.) The bill

states that a person who violated provisions of the Election Law regarding a petition described in Section 488, would be subject to penalties prescribed in the Election Law.

In addition, the Revised School Code currently prescribes the petition form that must be used to submit to the electors of an intermediate school district (ISD) a question of consolidating school districts within the ISD. The bill would eliminate this provision, and require instead that a petition for consolidation be substantially in the form prescribed for other petitions under the Code.

The bill is tie-barred to House Bill 5138. (House Bill 5138, which became Public Act 142 of 1998, amended the Election Law to add Section 488 to the Election Law.)

MCL 380.853 et al.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The bill would require that petitions submitted under the School Code be subject to the requirements and penalties applied to petitions under the Election Law. This would make the requirements for submitting petitions under the School Code uniform with petition requirements under numerous other statutes that govern the submission of petitions within other local units of government.

Legislative Analyst: G. Towne

FISCAL IMPACT

Because it is difficult to determine how many local political subdivisions would be penalized under the new petition requirements, the State and local fiscal impact is indeterminate.

Fiscal Analyst: E. Limbs

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.