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SFA



BILL ANALYSIS

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Senate Bill 845 (as introduced 10-21-99)
Sponsor: Senator Bev Hammerstrom
Committee: Government Operations

Date Completed: 10-27-99

CONTENT

The bill would amend the Michigan Election Law to do the following:

- **Delete the number of nominating petition signatures currently required for specific offices, and establish a range of signatures based on the population of the district involved, for all nominating petitions.**
- **Provide for the county-wide circulation of petitions.**
- **Make various changes concerning judicial nominating petitions.**
- **Require the county, city, and township clerks within each county to select a single preferred voting system for the county.**

Nominating Petition Signatures

Currently, nominating petitions must contain signatures of a number of qualified and registered electors of a jurisdiction (the State, a district, a county, or a municipality) equal to a percentage of the number of votes cast in that jurisdiction for Secretary of State at the last general November election in which a Secretary of State was elected, as shown in Table 1. (If the candidate is nominated by a political party, the percentage applies to the number of votes cast by that party.) If a nonpartisan petition requirement is not contained in law or charter, the minimum number of signatures is 0.5% of the vote for Secretary of State, but not fewer than 10. The bill would delete these requirements.

Table 1

Current Signature Requirements

Office	Percentage of Votes Cast		Jurisdiction
	<u>Minimum</u>	<u>Maximum</u>	
Governor	1%	2%	State
State Senator or Representative	1%	2%	district
County clerk, co. treasurer, register of deeds, prosecuting attorney, sheriff, drain commissioner, surveyor, coroner, co. auditor, or co. road commissioner	1%	2%	county
City office (including a ward)	1%	2%	city or ward
Township office	1%	2%	township
Court of Appeals judge (nonincumbent)	0.5%	2%	appellate court district
Circuit Court judge	1%	2%	judicial district
Municipal Court judge	0.5%	2%	municipality
Probate Court judge	1%	2%	county
District Court judge	0.5%	2%	judicial district or division

Under the bill, the number of signatures of qualified and registered electors necessary for nominating petitions under the Election Law

would be based upon the population of the district involved according to the most recent Federal census, as shown in Table 2.

Table 2

Proposed Signature Requirements

Population	Partisan Petition		Nonpartisan Petition		Qualifying Petition (Ind.)	
	MIN	MAX	MIN	MAX	MIN	MAX
0 - 9,999	3	10	6	20	9	30
10,000 - 24,999	20	50	40	100	60	150
25,000 - 49,999	50	100	100	200	150	300
50,000 - 74,999	100	200	200	400	300	600
75,000 - 99,999	200	400	400	800	600	1,200
100,000 - 199,999	300	500	600	1,000	900	1,500
200,000 - 499,999	500	1,000	1,000	2,000	1,500	3,000
500,000 - 999,999	1,000	2,000	2,000	4,000	3,000	6,000
1,000,000 - 1,999,999	2,000	4,000	4,000	8,000	6,000	12,000
2,000,000 - 4,999,999	4,000	8,000	6,200	12,000	12,000	24,000
over 5 million (Statewide)	15,000	30,000	30,000	60,000	45,000	90,000

Petition Circulation

Currently, except as described below, the Election Law provides that a petition sheet may not be circulated in more than one city or township, and each signer of a petition sheet must be a registered elector of the city or township indicated in the heading of the sheet. The bill provides, instead, that a petition sheet could not be circulated in more than one county, and each signer would have to be a registered elector of the county indicated in the heading.

The Election Law allows countywide circulation of nominating petitions for the office of Governor, State Representative, State Senator, U.S. Senator, U.S. Representative, or Court of Appeals judge, and petitions for a constitutional amendment, initiation of legislation, or referendum of legislation. The bill, instead, would allow countywide circulation of nominating petitions for the offices under the Law, the petitions listed above, and local proposals.

Judicial Candidates

Under the Election Law, a person is not eligible for a judicial office unless he or she is a qualified elector of the applicable jurisdiction (i.e., the State, for a Supreme Court justice; the appellate court district, for the Court of Appeals; the judicial circuit where the election is sought, for the circuit court; the municipality, for a municipal court; the county, for the

probate court; or the judicial district and election division, for the district court). Under the bill, a person would have to be a registered and qualified elector of the applicable jurisdiction by the filing deadline or the date the person filed the affidavit of incumbency.

Currently, nominating petitions for a judicial office must be received by the 12th Tuesday before the primary. The bill would change that deadline to the 14th Tuesday before the primary. (The Secretary of State receives petitions for the office of Court of Appeals, circuit court, and district court judge. County clerks receive petitions for the office of probate court judge. City clerks receive petitions for the office of municipal court judge.)

The bill also would require candidates for a judicial office to pick up petitions from the Secretary of State with headings already filled out by the Secretary of State.

Currently, if there is a vacancy in the office of Supreme Court justice, a person must be elected to fill that office at the next general November election held at least 90 days after the vacancy occurs. Under the bill, a person would have to be elected to fill a Supreme Court office at the next general November election held at least 105 days after the vacancy occurred. If there is a vacancy in the office of Court of Appeals judge, or judge of the circuit, probate, or district court, the Law requires a person

to be elected at the next fall primary held at least 91 days after the vacancy occurs. The bill would require the office to be filled at the next fall primary held at least 105 days after the vacancy occurred.

In addition, the bill would change the deadline for an incumbent municipal court judge to file an affidavit of candidacy with the city clerk. Currently, the deadline is 120 days before the date of the primary election. Under the bill, it would be 134 days before that date.

Voting Systems

The bill would require the Secretary of State to direct the county, city, and township clerks within each county to select a single preferred voting system for the county. By March 1, 2001, the county clerks would have to report to the Secretary of State the name and model of the preferred voting system for the county.

Each county clerk would have to convene the city and township clerks within the county to determine the preferred voting system. The selection would have to be made by majority vote of the county, city, and township clerks. Before participating in the selection process, the clerks would have to consult with the legislative body of the respective community. For the purpose of this selection, a preferred system would have to be a mechanical lever voting machine, paper ballot, or an electronic voting system approved by the Board of State Canvassers.

Jurisdictions would not be required to purchase a new voting system under these provisions. After a preferred system was selected and reported to the Secretary of State, the county board of election commissioners would not be responsible for incurring the expense for ballots or other unique supplies for a voting system that was purchased after the report to the Secretary of State and that was not the preferred system. The county board of election commissioners would have to continue to incur the expense for ballots and unique supplies for voting systems that were not the preferred system but were purchased before the report of a preferred system to the Secretary of State.

The Election Law specifies requirements that an electronic voting system must meet. The bill also would require an electronic voting system to allow for accumulation of vote totals from the precincts in the jurisdiction. The accumulation software would have to meet specifications prescribed by the Secretary of State, and be certified by the Secretary of State as meeting those specifications.

The Secretary of State could not certify more than 10 preferred voting systems as compatible with its system.

Other Provisions

Under the Election Law, a person is not eligible for office if he or she is not a qualified elector of the applicable jurisdiction (the State, for the office of Secretary of State, Attorney General, State Senator or Representative, or university board; the county, for a county office; or the township, for a township office). Under the bill, a person would have to be a registered and qualified elector of the State on the date he or she was nominated, or of the county or township by the filing deadline, as applicable.

Currently, a candidate for delegate to the county or district conventions of a political party must be a qualified and registered elector residing in the election precinct for which he or she desires to become a candidate. Under the bill, this requirement would apply on the date the person filed an affidavit of identity. The Law provides that county clerks must receive affidavits of identity up to 4 p.m. on the 12th Tuesday preceding the time designated for holding a primary election in the county. The bill would change that deadline to the 16th Tuesday.

Currently, in lieu of filing a nominating petition, a candidate for the office of State Senator or Representative may pay a filing fee of \$100 to the county clerk. For a candidate in a district comprising more than one county, the fee is paid to the Secretary of State. Under the bill, the fee would be paid to the county clerk in all cases.

The bill would repeal Section 222 of the Law, under which a person is not eligible for the office of county auditor if he or she is not a qualified and registered elector of the county in which the election is sought.

MCL 168.53 et al.

Legislative Analyst: S. Lowe

FISCAL IMPACT

Under the voting systems provisions of this bill, local units of government would be required to determine a preferred voting system for their jurisdiction. The local units would have to report the preferred system to the Secretary of State by March 1, 2001. If a local unit of government were to purchase a system that was not the preferred system and the local unit purchased the system after the report to the Secretary of State, then the local unit would not be responsible for expenses incurred for ballots or other supplies needed for the system. If the system were purchased before local unit reported to the Secretary of State and the system were not the preferred system, the local unit would be responsible for expenses associated with the system. The fiscal impact on local units would depend upon each unit's decision to purchase a new system.

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.