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SFA**BILL ANALYSIS**

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Senate Bill 846 (as introduced 10-21-99)
Sponsor: Senator Mike Goschka
Committee: Government Operations

Date Completed: 10-27-99

CONTENT

The bill would amend the Michigan Election Law to allow the Secretary of State to establish uniform standards for State and local petition sheets and petition signatures. The bill also provides that if a person complained about the validity of a circulator's or individual's registration or signature, the complainant would have to be given notice of a determination at least one week before an official declaration was made.

Uniform Standards

Pursuant to the Administrative Procedures Act, the Secretary of State could promulgate rules establishing uniform standards for State and local nominating, recall, and ballot question petition sheets. The standards could include, but would not be limited to, standards for petition sheet headings and circulators' certificates.

The Secretary of State also could promulgate rules establishing uniform standards for State and local nominating, recall, and ballot question petition signatures. These standards could include, but would not be limited to, standards for all of the following:

- Determining the validity of the registration of a circulator or an individual signing a petition.
- Determining the genuineness of the signature of a circulator or an individual signing a petition.
- Properly designating the place of registration of a circulator or an individual signing a petition.

Advance Notice to Complainant

If a person had filed a complaint with the Board of State Canvassers or a county clerk about the validity of the registration or the genuineness of the signature of a circulator or an individual signing a petition, the board or clerk would have to give the complainant written notice of its determination at least one week before the board or the clerk made its official declaration of the sufficiency or insufficiency of the petitions. The notice would have to include detailed findings on which the board or the clerk based its determination.

(The Election Law requires the Board of State Canvassers to make an official declaration of the sufficiency or insufficiency of an initiative or referendum petition at least two months before the election at which the proposal is to be submitted. The board must make an official declaration of the sufficiency or insufficiency of nominating petitions at least nine weeks before the primary election at which candidates are to be nominated. A county clerk must make an official declaration of the sufficiency or insufficiency of nominating petitions upon completing an investigation or examination.)

In addition, if an officer whose recall was sought had challenged the validity of the registration or the genuineness of the signature of a circulator or a person signing a petition, the filing official would have to give the officer written notice of the official's determination at least one week before the filing official made his or her official declaration of the sufficiency or insufficiency of the petitions. The notice would have to include detailed findings on which the filing official based his or her determination.

Under the Law, the filing official with whom a recall petition is filed must determine the sufficiency of the petition

within 35 days after it is filed. The bill provides instead that, within 35 days after a recall petition was filed, the filing official would have to make an official declaration of the sufficiency or insufficiency of the petition.

(The filing official is the Secretary of State in the case of petitions for the recall of U.S. Senators, members of Congress, State Senators and Representatives, elective State officers except the Secretary of State, and county officials except county commissioners. Petitions for the recall of the Secretary of State must be filed with the Governor. A county clerk is the filing official for petitions for the recall of an elective county commissioner, township, city, village, or school official, or district library board member.)

MCL 168.31 et al.

Legislative Analyst: S. Lowe

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

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.