

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 5064 (Substitute H-2 as passed by the House)
Sponsor: Representative Michael Bishop
House Committee: Constitutional Law and Ethics
Senate Committee: Government Operations

Date Completed: 12-2-99

CONTENT

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

- **Allow the Secretary of State to establish uniform standards for State and local petition signatures.**
- **Provide that, before the Board of State Canvassers met to make a final determination on challenges to a petition, the Board or a county clerk would have to make public its staff report concerning the disposition of the challenges.**
- **Require the Board or a county clerk to make documents received from local election officials available to petitioners and challengers on a daily basis.**
- **Provide that the Qualified Voter File could be used to determine the validity of petition signatures.**

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 signatures. These standards could include, but would not be limited to, standards for all of the following:

- Determining the validity of 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.

Petition Challenges

Under the Election Law, if a county clerk or the Board of State Canvassers receives a sworn complaint questioning the validity of the registration or genuineness of the signature of a circulator or a person signing a petition, the Board or the clerk must begin an investigation. The Board or the county clerk also must forward the petitions to the proper city or township clerk to compare the signatures on the petition with the signatures on the registration records, or to determine in some other manner whether the petition signatures are valid.

The bill provides that, at least two business days before the Board of State Canvassers met to make a final determination on challenges to and sufficiency of a petition, the Board or the county clerk would have to make public its staff report concerning the disposition of challenges filed against the petition. Beginning with the receipt of any document from local election officials, the Board or the county clerk would have to make that document available to petitioners and challengers on a daily basis.

The bill also provides that the Qualified Voter File (QVF) could be used to determine the validity of petition signatures by verifying the registration of signers. If the QVF indicated that, on the date an elector signed a petition, the elector was not registered to vote, there would be a rebuttable presumption that the signature was invalid. If the QVF indicated that, on the date the elector signed the petition, the elector was not registered to vote in the city or township designated on the petition, there would be a rebuttable presumption that the

signature was invalid.

Currently, the Board must make an official declaration of the sufficiency or insufficiency of a nominating petition at least nine weeks before the primary election at which candidates are to be nominated. Also, at least nine weeks before the primary, the Secretary of State must certify to county boards of election commissioners the name and address of each candidate whose petitions have been filed with the Secretary of State and meet the Law's requirements. The bill would change those nine-week periods to 60 days.

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.