

Legislative Analysis



PUT CIRCULATOR, IF PAID, ON FRONT OF PETITIONS

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House Bill 4217 (Substitute H-1)

Sponsor: Rep. Tory Rocca

Committee: House Oversight, Elections, and Ethics

First Analysis (6-15-05)

BRIEF SUMMARY: The bill would require that the name of a person or organization paying a petition circulator appear on the front of a petition.

FISCAL IMPACT: A fiscal analysis is in process.

THE APPARENT PROBLEM:

Under Michigan's constitution—Article II, Section 2, and Article XII, Section 2--citizens can petition the state government for changes in public policy. Article II, Section 2 concerns the people's power to propose laws and to enact and reject laws (called the initiative), and the power to approve or reject laws already enacted by the legislature (called referendum). In addition, Article XII, Section 2 allows citizens to propose amendments to the state constitution by petition of the registered electors of the state.

The number of valid signatures needed on petitions, set in the constitution, varies depending upon the kind of petition the citizens circulate: at least eight percent of the total votes cast for governor on the initiative petitions; at least five percent of the gubernatorial vote on the referendum petitions; and at least 10 percent of the gubernatorial vote to amend the constitution. When a sufficient number of signatures is submitted to the Bureau of Elections in the Department of State and following their review, the state board of canvassers certifies the petitions, and the proposal appears on the ballot statewide for a vote of the people.

Customarily, petition signatures are collected by citizen volunteers who canvass neighborhoods or shopping areas, offering fellow citizens an opportunity to sign the petition. Generally, those who circulate the petitions are strong supporters of the public policy being proposed. However, increasingly petitions are circulated by individuals who are paid by the organizations who desire the change in public policy, rather than by volunteers.

Legislation has been introduced to require that the name of any organization or person paying petition circulators be identified on the face of the petition.

THE CONTENT OF THE BILL:

House Bill 4217 would amend the Michigan Election Law to require that a petition proposing a constitutional amendment, the initiation of legislation, or a referendum on

legislation would have to indicate whether the circulator of the petition was being paid, and if so, by whom, stating the name of the individual or organization providing the compensation. That information would have to appear on the front of the petition, and in 10-point boldfaced type.

MCL 168.482a

ARGUMENTS:

For:

By collecting the signatures of fellow registered voters on a petition, citizens have the right to propose a constitutional amendment, initiate legislation, or call a referendum on an already enacted law. When voters sign any petition, they should be aware of the person or organization that is paying the petition-circulator, if any. This information would disclose to the potential signers those who are backing the proposed policy, and help them to make a more informed decision about whether to sign any petition that might, given the collection of enough valid signatures, place a proposed policy on the ballot for a vote of the people.

Against:

This legislation would impede petition drives organized by the people. For example, when a statewide organization such as the Michigan Environmental Council which comprises 70 groups across the state organizes a petition drive hoping to collect the required signatures with volunteer circulators, its organizers cannot know for certain whether an all-volunteer effort will be successful. Possibly, an all-volunteer effort will succeed in some regions of the state, but not in others. Consequently, some petitions would have to be printed identifying the payment source for some circulators, while others would not.

Against:

Full disclosure is important when potential signers of petitions inquire about petition sponsors. Since there is evidence that some petition circulators are not forthcoming, or worse, misleading, a better way to ensure disclosure would be to amend the Election Law to add a penalty for misrepresentation by circulators.

POSITIONS:

The Michigan Environmental Council opposes the bill. (6-8-05)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.