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**BILL ANALYSIS**

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Senate Bill 329 (as enacted)  
Sponsor: Senator Jim Ananich  
Senate Committee: Elections and Government Reform  
House Committee: Elections

**PUBLIC ACT 43 of 2015**

Date Completed: 7-1-15

**CONTENT**

**The bill amended the Michigan Election Law to do the following:**

- **Allow an adjustment to be made in the nominating petition filing deadline for candidates for city offices, if a city clerk published a filing deadline different from the deadline set in the Law, the clerk did not publicly correct the error within a certain time frame, and candidates relied on the incorrect deadline.**
- **Require the city clerk to attend an election training school and submit nominating petitions and other items to the Secretary of State.**
- **Require the Secretary of State to conduct postelection audits in the city in 2015, 2016, and 2017, and to conduct an administrative audit of the city clerk's elections operations.**
- **Require the Secretary of State to conduct pre-election precinct election inspector training for inspectors at any August or November election held in the city in 2015.**
- **Require the precinct election inspectors at an August or November election held in the city to attend a pre-election training school conducted by the county clerk in 2016 and 2017.**

The bill took effect on June 5, 2015.

**Nominating Petition Adjustment**

The Law requires nominating petitions for offices to be filled at the odd year general election to be filed by 4 p.m. on the 15<sup>th</sup> Tuesday before the odd year primary election. The bill makes an exception to that requirement.

Until December 31, 2015, the bill allows the nominating petition filing deadline for candidates for city offices to be adjusted if all of the following occur:

- The city clerk published a nominating petition filing deadline that was different from the 15<sup>th</sup> Tuesday before the odd year primary election or the odd year general election, and the published deadline was between the 15<sup>th</sup> Tuesday and the 12<sup>th</sup> Tuesday before the odd year primary election or the odd year general election.
- The city clerk did not publicly correct the filing deadline error at least two weeks before the 15<sup>th</sup> Tuesday before the odd year primary election or the odd year general election.
- One or more candidates for city offices in that city relied upon the incorrect nominating petition filing deadline, failed to file nominating petitions by the 15<sup>th</sup> Tuesday before the odd year primary or the odd year general election, and filed nominating petitions by the

filing deadline published by the city clerk, and the petitions are determined by the city clerk to contain a sufficient number of valid signatures.

If the Bureau of Elections confirms that all of those conditions are met, the Bureau may authorize the city clerk to adjust the nominating petition filing deadline for that odd year primary election or that odd year general election from the 15<sup>th</sup> Tuesday before the primary election or the odd year general election to the incorrectly published deadline.

#### City Clerk Requirements

Until December 31, 2017, the city clerk of a city that falls under the bill's provisions must attend at least once annually an election training school conducted by the Director of Elections.

Also, until December 31, 2017, the city clerk must submit nominating petitions to the Secretary of State for final approval as to form before the petitions are circulated for signatures. In addition, the clerk must submit to the Secretary of State any election filing deadline calendars and any correspondence relating to those calendars before they are provided to the public.

#### Secretary of State Audits

The bill requires the Secretary of State to conduct a postelection audit after each November election held in 2015, 2016, and 2017 in the city subject to the bill.

The bill also requires the Secretary of State to conduct an administrative audit of the city clerk's elections operations and to report the results of that audit to the Senate and House committees dealing with elections, by October 1, 2015.

#### Election Inspector Training

Until December 31, 2015, the bill requires the Secretary of State to conduct pre-election precinct election inspector training for those acting as precinct election inspectors at any August or September election held in the city that is subject to the bill.

Between January 1, 2016, and December 31, 2017, those acting as precinct election inspectors at any August or November election held in the city must attend a pre-election training school for election inspectors conducted by the clerk of the county in which the city is located.

MCL 168.644f

Legislative Analyst: Suzanne Lowe

#### **FISCAL IMPACT**

The bill will have no fiscal impact on State or local government. The training and audits required by the bill are already performed by the Secretary of State, and therefore will not impose any additional costs on the State or local units.

Fiscal Analyst: Joe Carrasco

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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.