



**House  
Legislative  
Analysis  
Section**

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**PETITION REQUIREMENTS FOR OFFICE**

**Senate Bill 1025 with House committee  
amendments  
First Analysis (12-4-90)**

**Sponsor: Sen. Phil Arthurhultz  
Senate Committee: Government Operations  
House Committee: Elections**

***THE APPARENT PROBLEM:***

Two candidates for statewide office, one for governor and one for U.S. Senate, were placed on the 1990 Republican primary election ballot by the board of state canvassers even though their petitions did not meet statutory requirements. The Michigan Election Law requires candidates for those offices to submit petitions containing signatures equal in number to at least one percent of the number of votes cast for the party's candidate for secretary of state at the preceding election, with at least 100 signatures from each of at least 20 counties, and with no more than 25 percent of the minimum required number of signatures from one county. The two candidates in question, Clark Durant, a Republican candidate for U.S. Senate, and John Lauve, a Republican candidate for governor, failed to collect sufficient signatures in at least 20 counties, according to the Department of State. The board of state canvassers placed them on the ballot, however, partly on the basis of information from the attorney general's office suggesting that the statutory requirement would likely not survive a court test. Because counties vary so much in population, the requirement is considered to violate the "one person, one vote" standard that federal courts apply in election cases. The attorney general said federal courts have also ruled unconstitutional signature limits similar to Michigan's "25 percent" provision. New petition signature requirements are needed to express the election law's intent that statewide candidates demonstrate a broad base of support.

Another problem arose during the 1990 election, this regarding the registration requirements of petition circulators. According to the secretary of state's office, a person circulating petitions for a candidate in the tenth congressional district was not a registered elector in the city the circulator had named on the petition. A petition circulator is required to list the city or township where he or she is registered and the election law requires that a circulator be a qualified elector of the state. According to the Department of State, the Michigan Court of Appeals said in the case, based on an affidavit by the circulator, that if a circulator is registered to vote in the state, if not in the city indicated then at an earlier place of residence, the petition requirements are substantially complied with. State election officials say the affidavit that the circulator was a registered voter could not be verified in the time available, and they recommend that the election law clearly require that the circulator be a registered elector where he or she claims to be at the time the petitions are being circulated so that the registration of a circulator can be easily verified.

***THE CONTENT OF THE BILL:***

The bill would amend the Michigan Election Law (MCL 168.53 et al.) to modify the petition signature requirements for candidates for nomination by a political party for the office of governor and the office of U.S. senator. The requirements that the petition

contain signatures of at least 100 registered electors in each of at least 20 counties and that no more than 25 percent of the total signatures be from one county would be eliminated. Instead, petitions would have to carry the signatures of 100 registered electors from each of at least one-half of the state's congressional districts. (There are currently 18 congressional districts.) There would be no change in the requirement of the total number of signatures required.

The same petition signature requirement would be made of petitions for independent candidates for statewide office and petitions to place a new political party on the ballot. Currently, those petitions must carry the signatures of at least 100 registered electors from each of at least 9 congressional districts (which is half the total number of districts). The requirement that no more than 35 percent of all signatures be from electors in any one congressional district would be eliminated. There would be no change in the total number of signatures required.

The bill would also require that a petition circulator at the time of executing the certificate of circulator be registered in the city or township indicated in the certificate of circulator.

***HOUSE COMMITTEE ACTION:***

The House Committee on Elections amended the Senate-passed version of Senate Bill 1025 to require that petitions for governor and U.S. senator carry at least 100 signatures from electors in at least one-half of the state's congressional districts rather than at least 8 congressional districts. There are currently 18 congressional districts, but the state is expected to lose congressional seats after redistricting. The House committee also added the provisions regarding petition circulators at the request of the Department of State.

***FISCAL IMPLICATIONS:***

There is no information at present.

***ARGUMENTS:***

***For:***

The bill would remove from election law petition signature requirements for candidates for statewide office that are considered constitutionally shaky and replace them with requirements aimed at achieving the same end. The current requirements were ignored by election officials in the 1990 election because they feared the requirements would not survive a legal challenge. Under the bill, candidates for governor and U.S. senator would have to gather at least 100 signatures from each of at least one-half of the state's congressional districts in order to demonstrate a broad base of support rather than the same number of signatures from at least 20 counties.

S.B. 1025 (12-4-90) PAGE 1

Congressional districts are nearly equal in population size, whereas counties differ dramatically. The congressional district standard is already in use for petitions of independent candidates for statewide office and petitions of minor parties seeking access to the ballot. The bill would also add a requirement to make it easier to verify that a person circulating a petition is registered to vote. It says a circulator must be registered where he or she says. It adds no other new restrictions for the circulation of petitions.

***POSITIONS:***

The Department of State supports the bill. (11-27-90)