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SFA**BILL ANALYSIS**

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House Bill 4221 (Substitute H-1 as passed by the House)
Sponsor: Representative Robert C. Brackenridge
House Committee: Local Government
Senate Committee: Government Operations

Date Completed: 5-21-97

CONTENT

The bill would amend the Michigan Election Law to eliminate provisions in the Law that require candidates for office to present proof of citizenship; specify that under certain circumstances a vote could not be considered valid unless the ballot was marked in a predefined area and it was clearly evident that the voter intended to vote; and, in a recount, allow an election official to determine the intent of a voter.

Currently, under the Election Law, a candidate who files a nominating petition or a filing fee for a national, State, or local office must adhere to certain requirements including, as added by Public Act 583 of 1996, a requirement that the candidate present to the filing official a birth certificate, naturalization papers, or a passport as proof of citizenship. Further, a copy of the proof of citizenship must be kept on file by the filing official. The bill would delete these provisions.

The bill provides that if an electronic voting system required that the elector place a mark in a predefined area on the ballot in order to cast a vote, the vote could not be considered valid unless there was a mark within the predefined area and it was clearly evident that the intent of the voter was to cast a vote. In determining the intent of the voter, the board of canvassers or election official would have to compare the mark with other marks appearing on the ballot.

Currently, regarding the recounting of a ballot, if the electronic voting system requires that the elector cast a vote by marking or stamping a predefined area on the ballot, the vote is not considered valid unless it is clearly evident that the intent of the voter was to cast a vote. The bill also would require that there be a mark or stamp within the predefined area. Currently, in determining intent of the voter, the board of canvassers must compare the mark or stamp subject to recount with other marks or stamps appearing on the ballot. The bill also would allow an election official to compare the mark or stamp.

MCL 168.558

Legislative Analyst: G. Towne

FISCAL IMPACT

Eliminating the requirement that filing officials keep on file a copy of a candidate's proof of citizenship could result in administrative savings to local clerks.

Fiscal Analyst: B. Bowerman

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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.