

Senate Fiscal Agency
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SFA

BILL ANALYSIS

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Senate Bill 385 (Substitute S-1 as enrolled)
Senate Bill 386 (Substitute S-1 as enrolled)
Senate Bill 387 (Substitute S-2 as enrolled)
Senate Bill 388 (Substitute S-1 as enrolled)
Sponsor: Senator Ken Sikkema (Senate Bill 385)
Senator Thaddeus G. McCotter (Senate Bill 386)
Senator Bev Hammerstrom (Senate Bills 387 & 388)
Committee: Education (S.B. 385)
Government Operations (S.B. 386-388)

Date Completed: 1-24-02

RATIONALE

The Michigan Election Law requires candidates for various State and local elected offices to file nominating petitions containing a prescribed number of signatures, in order for a candidate's name to appear on a party's primary ballot. Before Public Act 218 of 1999 was enacted, the required number of petition signatures generally was equal to at least 1%, but not more than 2%, of the number of votes cast in an election district for the relevant party's candidate for Secretary of State in the preceding election. This meant that the required number of signatures varied in each election, in each race, and for each candidate not of the same political party. Public Act 218 amended the Election Law to eliminate the percentage-based signature requirements and instead require a number of signatures based on the population of the district involved according to the most recent census. Public Act 218 applies to signature requirements for candidates for the Michigan Senate and House of Representatives, several county offices, and several judicial offices. It has been pointed out that other statutes still prescribe election requirements for candidates for various offices, including nominating petition signature requirements, based on percentages of votes cast in a previous election. It has been suggested that these laws be amended to base signature requirements on the population of the relevant election district.

In addition, under the Election Law, candidates for several offices are allowed to pay a \$100 filing fee, instead of filing the

required number of signatures, for their name to appear on the ballot. It has been suggested that the option of paying a filing fee be extended to candidates for offices governed by other statutes.

CONTENT

The bills would amend various statutes to prescribe the number of signatures required on nominating petitions for school board, county commission, and library board candidates, based on the population of the district. The bills also would allow candidates to pay a \$100 filing fee instead of filing nominating petitions.

Senate Bill 385 (S-1) would amend the Revised School Code; Senate Bill 386 (S-1) would amend Public Act 261 of 1966 (which provides for county boards of commissioners); Senate Bill 387 (S-2) would amend the District Library Establishment Act; and Senate Bill 388 (S-1) would amend Public Act 164 of 1877 (which provides for public libraries). The bills would take effect on January 1, 2003.

Senate Bill 385 (S-1)

Under the Revised School Code, unless the members of an intermediate school board are elected at popular elections, board members are elected by a body composed of one member of the board of each constituent district. A candidate for intermediate school

board must submit nominating petitions signed by at least 50 registered school electors of the combined constituent districts of the intermediate school district (ISD). In districts in which the school electors have chosen popular elections (pursuant to a ballot question submitted by the intermediate school board), nominating petitions must contain signatures in a number equal to at least 1.5% of the combined pupil memberships of the constituent districts, but not more than 5,000.

The Code also requires a school board candidate to file nominating petitions signed by a number of school electors of the school district equal to at least 1% of the total number of votes received by the candidate for the board of education who received the most votes at the last election at which board of education members were elected, but not less than 20.

The bill would replace these petition signature requirements for school boards and for intermediate school boards. Under the bill, petitions would have to be signed by at least six but not more than 20 electors, if the population of the school district or ISD were under 10,000 according to the most recent Federal census. If the population were 10,000 or more, petitions would have to be signed by at least 40 but not more than 100 electors.

Instead of filing nominating petitions, a candidate could pay a nonrefundable filing fee of \$100 to the secretary of the school board or intermediate school board, as applicable. If the fee were paid by the due date for nominating petitions, the payment would have the same effect as the filing of nominating petitions.

Senate Bill 386 (S-1)

Under Public Act 261 of 1966, county commissioners are elected in partisan elections. A candidate must file a nominating petition signed by a number of electors residing within the district equal to at least 1% but not more than 4% of the number of votes cast in the district by his or her party for the Office of Secretary of State at the last general election in which a Secretary of State was elected. Under the bill, a nominating petition would have to be signed, instead, by a number of electors as determined under Section 544f of the Michigan Election Law

(which prescribes the number of signatures required for partisan and nonpartisan petitions based on the population of the district involved).

Public Act 261 also allows a candidate to pay a \$100 filing fee to the county clerk instead of filing a nominating petition.

Senate Bill 387 (S-2)

The District Library Establishment Act prescribes circumstances under which two or more municipalities (cities, villages, school districts, townships, and/or counties) may establish a district library, which must be governed by a district library board. The requirements for electing board members depend on whether a school district is a participating municipality. In either case, a candidate must file a nominating petition containing a number of signatures equal to at least 0.5% of the number of people voting in the district at the last election at which board members were elected. The bill provides, instead, that the number of signatures would have to be at least six but not more than 20, if the population of the school district were under 10,000. If the population were 10,000 or more, the number required would be at least 40 but not more than 100.

In lieu of the nominating petition, an individual could file a \$100 nonrefundable fee to have his or her name placed on the ballot. The fee would have to be filed with the secretary of the school board of the largest participating school district.

The bill would repeal Section 10 of the Act, which provides for the election of district library board members in library districts in which a school district is not a participating municipality. The bill would recodify the repealed section, but would replace the current nominating petition requirements with those in the bill.

Senate Bill 388 (S-1)

Public Act 164 of 1877 authorizes a city, village, or township to establish a free public library, governed by a library board directors. A candidate for the board must file nonpartisan nominating petitions signed by a number of electors of that city, village, or township equal to at least 1% of the total

number of votes cast for the chief elected officer of that city, village, or township in the last election in which the officer was elected. The bill would delete that signature requirement.

Under the bill, the number of required signatures would be at least six but not more than 20, for a city, village, or township with a population of 9,999 or less. For a city, village, or township with a population of 10,000 or more, the required number would be at least 40 but not more than 100.

Instead of the nominating petitions, an individual could file with the clerk conducting the election a \$100 nonrefundable fee to have his or her name placed on the ballot.

MCL 380.614 (S.B. 385)
46.411 (S.B. 386)
397.181et al. (S.B. 387)
397.211 (S.B. 388)

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Public Act 218 of 1999 standardized signature requirements for nominating petitions for candidates for various elected offices. The bills would do the same for candidates who must comply with the requirements of four other laws. Currently, under the four Acts addressed by the bills, most of the signature requirements are based on a percentage of the votes cast at a preceding election. This causes the qualifying number to be different in each election, and in each election district, confusing both election clerks and candidates. The bills would provide candidates with a consistent number, and thus remove uncertainty and the need for continual calculations.

In addition, the bills would give candidates the option of paying a filing fee rather than collecting a certain number of signatures. Currently, this option is available to candidates for the State Legislature and many elected county offices. The bills perhaps would open the election process to more candidates.

Legislative Analyst: G. Towne

FISCAL IMPACT

State. The bills would have no fiscal impact on the State.

Local. The bills would result in a reduction in the number of signatures required on a petition and allow a potential candidate to avoid filing a petition altogether by paying a \$100 filing fee. The lower signature requirements for petitions also could encourage additional candidates and increase the number of petitions requiring signature verification. The burden on the office verifying the signatures to determine the eligibility of a candidate could be affected; however, the magnitude of these effects is indeterminate.

Fiscal Analyst: J. Runnels

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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.