

ELECTION LAW AMENDMENTS

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Senate Bill 823 (S-2)

Senate Bill 825 (without amendment)

Sponsor: Sen. Dave Robertson

House Committee: Redistricting and Elections

Senate Committee: Local Government and Elections

Complete to 4-30-12

A REVISED SUMMARY OF SENATE BILLS 823 & 825 AS PASSED BY THE SENATE 2-14-12

Senate Bill 823 (S-2, as amended) would amend the Michigan Election Law (MCL 168.198 et al) to do the following:

- Require that the sponsor of a petition to amend the State Constitution or to initiate legislation must file the petition with the Secretary of State (SOS), and prohibit the sponsor from circulating the petition for signatures until the petition is filed, as required. This would apply beginning January 1, 2013
- Require the SOS to make the most recent submission of filed petition language available to the public on the Department of State's website. This would apply beginning January 1, 2013.
- Make it a misdemeanor for a person paid by a local unit of government for performing election-related duties to accept valuable consideration for working to support or oppose the nomination or election of a candidate or the passage or defeat of a ballot proposal if that candidate or proposal appeared on the ballot in that local unit.
- Also make it a misdemeanor to offer valuable consideration to such a person to support or oppose a candidate or ballot proposal.
- Make it a misdemeanor to solicit or receive compensation for endorsing or opposing a candidate.
- Make it a felony to compensate a person based on the total number of individuals that person registers to vote.
- Make it a felony to intentionally misrepresent oneself as an election official in a polling place on election day.
- Revise provisions related to the withdrawal of a candidate for a county office.
- Eliminate references to the use of slips or pasters in provisions allowing electors to fill in blank spaces on a primary ballot under certain circumstances.
- Require primary ballots to be reprinted with the replacement candidate's name when a vacancy is left by a candidate who dies after the filing deadline. (The act currently calls for the use of gummed labels or stickers.)
- Refer to a county executive committee, rather than a city or township committee, in provisions regarding the death of a political party's candidate for local office.

- Refer to a county executive committee, rather than a county committee, in provisions regarding the nomination of a candidate to fill a vacancy left by a recall.
- Move the deadline for a candidate to file required nominating petitions or an affidavit of identity to the 15th Tuesday (until 4 p.m.) before the primary, beginning January 1, 2014. (The current deadlines are on either the 12th or 14th Tuesday before the primary election depending on the office.)
- In 2012 only, require the state convention of all political parties for the nomination of candidates for state offices to begin at least 58 days, rather than the usual 60 days, before the general November election.
- In the case of a city, district, or ward or township office, provide that a candidate vacancy must be filled by the county executive committee members who reside in that unit, if at least three members reside in that unit.

The bill also would repeal a section providing for township party committees.

The proposed misdemeanors would be punishable by up to 90 days' imprisonment and/or a maximum fine of \$500. The proposed felonies would be punishable by imprisonment for up to five years and/or a maximum fine of \$1,000.

The bill would take effect on June 1, 2012.

Senate Bill 825 would amend the Code of Criminal Procedure (MCL 777.11d) to add to the sentencing guidelines the felonies proposed by Senate Bill 823 (S-2). Two violations—providing compensation to a person for registering individuals to vote, and intentionally misrepresenting oneself as an election official in a polling place—would be Class E felonies against the public trust, punishable by a statutory maximum of five years' imprisonment. Senate Bill 825 is tie-barred to Senate Bill 823, meaning it could not go into effect unless Senate Bill 823 is also enacted into law.

FISCAL IMPACT:

Senate Bill 823 would have no fiscal impact on the Department of State. Any costs incurred under the provisions of the legislation would be absorbed by current appropriation levels. Local governments may realize increased costs due the requirement that they reprint ballots when required under the provisions of the bill (upon the death of a candidate after the filing deadline).

The bills create new misdemeanor and felony offenses within the Michigan Election Law. To the extent that the bills' provisions result in additional misdemeanor convictions, they could increase local incarceration and misdemeanor probation supervision costs. To the extent the bills' provisions result in additional felony convictions, they could increase costs on state and/or local correctional systems. Local county jail and misdemeanor probation supervision costs vary by jurisdiction. The average cost of prison incarceration in a state facility is roughly \$34,000 per prisoner per year, a figure that includes various fixed administrative and operational costs. Costs of

parole and felony probation supervision, exclusive of the cost of electronic tether, average about \$2,200 per supervised offender per year. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally-designated recipients of those revenues.

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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.