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Senate Bill 823 (Substitute S-2 as reported by the Committee of the Whole)
Senate Bill 825 (as reported without amendment)
Sponsor: Senator Dave Robertson
Committee: Local Government and Elections

CONTENT

Senate Bill 823 (S-2) would amend the Michigan Election Law to do the following:

- Beginning January 1, 2013, require the sponsor of a petition to amend the Constitution or initiate legislation to file it with the Secretary of State (SOS), and prohibit the sponsor from circulating the petition for signatures until it was filed as required.
- Require the SOS to make the most recent submission of filed petition language available to the public on the Department of State's website, beginning January 1, 2013.
- Require an additional recount in a precinct in which a recount did not match the original vote count, unless the parties agreed not to have an additional recount, and provide that the additional recount would control.
- 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.
- Make it a misdemeanor to solicit or receive compensation for endorsing or opposing a candidate.
- Make it a felony to compensate an individual based on the number of people he or she registered to vote.
- Make it a felony to intentionally misrepresent oneself as an election official in a polling place.
- 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.
- 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 the required nominating petitions or affidavit of identity, which is either the 12th or 14th Tuesday before the primary election depending on the office, to the 15th Tuesday before the primary, beginning January 1, 2014.
- In 2012 only, require the State convention of all political parties for the nomination of candidates for State offices to commence 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 would have to be filled by the county executive committee members who resided in that unit, if at least three members resided 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 to add to the sentencing guidelines the felonies proposed by Senate Bill 823 (S-2). 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.

MCL 168.198 et al. (S.B. 823)
777.11d (S.B. 825)

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

To the extent Senate Bill 823 (S-2) would result in any costs to the Department of State, those costs would be absorbed within the Department's current annual appropriations. There could be additional costs to local units of government associated with the proposed requirement to reprint ballots; however, the cost is indeterminate.

By creating two new felonies and additional misdemeanors in the election law statute, and adding two new Class E felonies to the sentencing guidelines, Senate Bills 823 (S-2) and 825 could have an impact on State and local incarceration costs. There are no data to indicate how many individuals would violate the revised statute, but the number would likely be small and therefore the fiscal impact would likely be negligible.

Date Completed: 2-8-12

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.