



Senate Fiscal Agency
P.O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bills 5571 and 5573 (Substitute H-4 as reported without amendment)
House Bill 5572 (as reported without amendment)
House Bills 5574 and 5575 (Substitute H-3 as reported without amendment)
House Bill 5576 (Substitute H-2 as reported without amendment)
Sponsor: Representative Penelope Tsernoglou (H.B. 5571)
Representative Donavan McKinney (H.B. 5572)
Representative Jason Morgan (H.B. 5573)
Representative Joey Andrews (H.B. 5574)
Representative Jasper Martus (H.B. 5575)
Representative Jaime Churches (H.B. 5576)

House Committee: Elections
Senate Committee: Elections and Ethics

CONTENT

House Bill 5571 (H-4) would amend the Michigan Election Law to do the following:

- Require a petition proposing a constitutional amendment, an initiated law, or a referendum to include a summary of purpose and prescribe requirements of those summaries.
- Allow the sponsor of a petition to submit the summary of purpose to the Board for approval.
- Require the Director of Elections to review the submission and prepare a proposed summary for approval by the Board of State Canvassers (Board).
- Require the Board to issue a determination approving or rejecting the petition form and the content of the proposed summary of purpose within 30 days after the petitioner's final submission.
- If the summary of purpose and the petition form used were approved by the Board before the petition was circulated, prohibit the Board from considering a challenge to the sufficiency of a submitted petition based on the summary of purpose or the petition form.
- Require the Secretary of State (SOS) to create a petition form, with the approval of the Board, to be used by petitioners, and require the Bureau of Elections (Bureau) to issue and make publicly available a digitally editable version.
- Require the petition form to include an area designated solely for the sponsor, the full text of the proposed amendment, law, or referendum on the reverse side of the form, a table for signatures, and an identification statement as required by the Michigan Campaign Finance Act.
- Prescribe specific textual requirements for constitutional amendment, initiated law, and referendum petition forms.
- Require a petition form also to include a petition circulator certification.
- Allow the Board to use a statistical random sampling methodology, as approved by the Board, to determine whether a petition complied with petition circulator requirements.
- Reorganize misdemeanor and felony penalties.
- Provide that, if an individual signed a petition more than once, only one signature could be counted.
- Prescribe the circumstances under which the State Constitution could be added to, deleted from, or changed by a proposed constitutional amendment.

- Repeal Sections 482b, 482c, and 482d of the Michigan Election Law, which generally concern petition circulation.

House Bill 5572 would amend Chapter XXIV (Primary Elections) of the Michigan Election Law to do the following:

- Allow the Board to use a statistical random sampling methodology, as approved by the Board, to determine the validity and sufficiency of signatures and petition form requirements on nominating petitions.
- Delete a requirement that the Board submit a petition that contained unverifiable signatures to a city or township clerk to compare and allow the Board to disqualify an obviously fraudulent signature without checking the signature against the local registration records or the QVF.
- Allow the Board to use a statistical random sampling methodology, as approved by the Board, to determine the validity and sufficiency of signatures and petition form requirements on nominating petitions.
- Require the Board to refer any signature that it determined was obviously fraudulent to the Attorney General (AG) for further investigation.
- Require the Board to act on a complaint within seven days after a nominating petition was filed or, if the Board used statistical random sampling, within seven days after the random sample was made available to the public.
- Require a county clerk to act on a complaint for a nominating petition filed within seven days after the filing of nominating petitions.

House Bill 5573 (H-4) would amend Chapters XXII (Initiative and Referendum) and XXIVA (Candidates Without Political Party Affiliation) to do the following:

- Require Bureau staff to begin reviewing the submitted petition signatures in the order the petitions were received from petitioners.
- Require the Bureau to make copies of filed petitions available to petitioners and challengers, upon request, and allow the Bureau to charge a reasonable fee to produce and transmit copies.
- Require the Bureau to make original petition sheets available for review by petitioners and challengers, upon request, and allow the Bureau to charge a reasonable fee to ensure petition security.
- Allow the Board to use a statistical random sampling methodology, as approved by the Board, to determine the validity and sufficiency of signatures and petition form requirements on petitions.
- Require the Board to post on its website the Board's approved process and procedures for canvassing a petition, indicate on its website when completing each step of the canvassing process, and indicate on its website the completion percentage of the canvass of randomly sampled signatures.
- Require the Board to adopt and publish standards necessary to rebut a finding that a signature was not genuine or was not the signature of a registered elector.
- Require the Board to complete the canvas of signatures at least 60 days before the election during which the proposal would appear on the ballot.
- Require the Bureau to make public the Bureau's staff report concerning disposition of challenges filed against a petition within five days before the Board meets to make a final determination on challenges to and sufficiency of a petition, instead of two days before the meeting.
- Require the Board or the Bureau to refer an obviously fraudulent signature to the AG.
- Require the Board to make an official declaration of the sufficiency or insufficiency of a petition at least 60 days before the election at which the proposal was to be submitted, instead of two months before the election.

- Prescribe requirements for a petition to be determined sufficient.
- Delete a provision limiting signatures that would validate the sufficiency of a petition at 15% from one congressional district.
- Allow any person submitting a petition, a ballot question committee, or a person submitting documents regarding petition signature validity aggrieved by the Board's determination or the failure to perform a duty to seek judicial relief in the Court of Appeals within seven days after the action or inaction by the Board.
- Allow the Supreme Court to expedite or consider a matter as provided in the Michigan Court Rules.
- Allow the Board to use a statistical random sampling methodology, as approved by the Board, to determine the validity and sufficiency of signatures for petitions.
- Delete a provision allowing the SOS to grant one 15-day extension to the Board concerning the canvass of a referendum petition.

House Bill 5574 (H-3) would amend Chapter XXII of the Michigan Election Law to do the following:

- Require the SOS to post on its website, on the first business day of every month after the date a petition and signatures were filed, an update on the status of that petition.
- Modify requirements for the numbered designation of ballots.
- Repeal Section 709 of the Michigan Election Law, which requires the SOS to furnish the State's county clerks with at least two copies of a summary of a constitutional amendment and county clerks to distribute this summary to municipal clerks and boards of election inspectors.

House Bill 5575 (H-3) would amend Chapter XXII of the Michigan Election Law to do the following:

- Delete a provision prohibiting more than 15% of a constitutional amendment, initiated law, or referendum petition's signatures from being from individuals in the same congressional district.
- Require a petitioner, when filing a petition, to certify that the petitioner had made a good-faith effort to sort the petitions based on the number of signatures contained on each petition sheet and that the petitioner was submitting at least the minimum number of required petition signatures.
- Repeal Section 472 of the Michigan Election Law, which requires initiated law petitions to be filed with the SOS at least 10 days before the beginning of a session of the Legislature.

House Bill 5576 (H-2) would amend Chapter XXVIII (Holding of Elections) of the Michigan Election Law to do the following:

- Allow the Board to use an approved statistical random sampling methodology to determine the validity and sufficiency of signatures and form requirements on petitions to form a new political party.
- Reorganize misdemeanor and felony penalties.

House Bill 5571 is tie-barred to House Bills 5572 through 5576. House Bills 5571, 5572, 5573, and 5576 are tie-barred. House Bill 5573 also is tie-barred to House Bill 5575, which is tie-barred to House Bill 5571. House Bill 5576 also is tie-barred to House Bill 5571.

168.32 et al. (H.B. 5571); 168.552 (H.B. 5572)
 168.472a et al. (H.B. 5573); 168.474a et al. (H.B. 5574)
 168.471 (H.B. 5575); 168.685 (H.B. 5576)

BRIEF RATIONALE

In 2022, Michigan's gubernatorial race faced increased scrutiny after the Bureau disqualified five primary candidates for failing to meet required signature thresholds. Though each candidate submitted a nominating petition with the required number of signatures, the Bureau found that many, an estimated 68,000 signatures, submitted across 10 nominating petitions were fraudulent, an unprecedented number.¹ Testimony before the Senate Committee on Elections and Ethics indicates that the bipartisan Board, when faced with the issue of whether to accept the Bureau's recommendation that the signatures be invalidated, had no statutory guidance. As such, the Board convened a work group to study the State's petition and signature review processes. The work group issued several recommendations, which the Board unanimously adopted. Accordingly, it has been suggested that these recommendations be codified into Michigan Election Law.

Legislative Analyst: Abby Schneider

FISCAL IMPACT

The bills could result in a cost savings for the Michigan Department of State as fewer petitions would require review and evaluation by Department staff. The result could be a savings on staff costs related to the evaluation of petitions. The amount of savings is indeterminate and dependent on the number of petitions evaluated by staff.

Additionally, there could be an indeterminate but likely negative fiscal impact on the State and local governments. New felony arrests and convictions under the bills could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities; however, it is unknown how many people would be prosecuted under provisions of the bills. The average cost to State government for felony probation supervision is approximately \$5,600 per probationer per year. For any increase in prison intakes the average annual cost of housing a prisoner in a State correctional facility is an estimated \$48,700. Per diem rates range from \$100 to \$431 per day (average per diem is \$135), depending on the security level of the facility. Any associated increase in fine revenue would increase funding to public libraries.

The AG could incur investigation costs were the Board to refer obviously fraudulent signatures. Depending on the volume of referrals and investigation necessary by the AG, additional full-time equivalents (FTEs) and attorney staff could be needed. Support staff FTEs cost approximately \$100,000 annually and attorney FTEs cost approximately \$200,000 annually.

House Bill 5572 could have a small, likely negligible, indeterminate fiscal impact on local government units in the form of changes in administrative time spent on signature verification.

Date Completed: 12-6-24

Fiscal Analyst: Bobby Canell
Joe Carrasco, Jr.
Michael Siracuse

¹ Mauer, Craig, "Board of canvassers deadlocks, blocking 5 candidates for governor from ballot", *The Detroit News*, May 26, 2022.

SAS\Floors2324\hb5571

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.