



**House
Legislative
Analysis
Section**

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BALLOT PROPOSAL LANGUAGE

**House Bill 4093 as enrolled
Public Act 152 of 1994
Second Analysis (1-27-95)**

**Sponsor: Rep. Joseph Young, Jr.
House Committee: Education
Senate Committee: Government
Operations**

THE APPARENT PROBLEM:

Some people are concerned that voters become alienated and discouraged when faced with ballot questions containing confusing or difficult language. It has been recommended that a plain language requirement be placed in state election law for ballot questions in order to encourage citizen involvement in public policy debates and decision making.

In another matter, just after the filing deadline for the primary election in 1994, an incumbent state senator died. A state representative (and perhaps others) had considered seeking the Senate seat but did not out of deference to the incumbent. Many people believe that in such an instance, the deadline for filing for the election should be extended so as to allow a contested primary.

THE CONTENT OF THE BILL:

Ballot Language. The bill would amend the Michigan Election Law to require that ballot questions submitted to the voters of the state or a political subdivision of the state be clearly written, using words that have a common everyday meaning to the public. This requirement would take effect January 1, 1995.

The law now says that a question must be worded "so as to apprise the voters of the subject matter of the proposal or issue, but need not be legally precise." The bill would retain that wording and add the new standard. (The election law, pursuant to the state constitution, also requires, for constitutional amendments and other statewide propositions, that the secretary of state prepare for the ballot form a statement of the amendment or other proposition in 100 words or less, exclusive of caption.)

Filing Deadline on Incumbent's Death. The bill would extend the filing deadline for a primary election for state representative or state senator in cases where the incumbent died on the last day for filing or within 14 days after the filing deadline. A candidate who filed under such a new deadline could not withdraw, and any earlier filing for another office for state representative or senator to be filled at the same election would be considered to have been withdrawn. (The law currently only provides for the replacement of state House and Senate candidates who die when, as a result, there would be no candidate for the office from the political party.) The filing deadline provision would apply only until December 31, 1994.

(Note: A court ruling made the filing deadline provision impossible to use in the 1994 primary, which was the only election to which it could have applied.)

MCL 168.485 et al.

FISCAL IMPLICATIONS:

There is no information at present.

ARGUMENTS:

For:

When voters are asked to make decisions at the polling place about important public issues, they ought to be presented with ballot questions that are expressed in plain language.

For:

The bill would allow for an extended deadline in the exceptional case when an incumbent dies on or shortly after the filing deadline in a political

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primary. It seems reasonable in such cases to allow the primary to be opened up for new candidates who would have sought the office had there not been an incumbent officeholder from their party. Extending the deadline would give voters greater choice. It is hardly unfair to the other candidate(s) since the expectation was that the primary would be a contested one. (Indeed, the other candidate(s) had anticipated running against an incumbent in the primary, historically a daunting task.)

Response:

It is not at all clear this bill is necessary. If there is at least one candidate remaining after the death of an incumbent, what is the problem? While it may be bad luck for those who did not seek the office because they supported the incumbent, it is not a public policy problem in need of a solution. Furthermore, the sunset date makes the bill appear to be special treatment for one specific election rather than a statement of policy.