

Legislative Analysis



NOMINATING PETITIONS: ALLOW OUT-OF-STATE CIRCULATORS

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Senate Bill 1167 (reported from committee as Substitute H-1)

Sponsor: Sen. Dave Robertson

House Committee: Elections and Ethics

Senate Committee: Local Government and Elections

Complete to 12-16-14

A SUMMARY OF SENATE BILL 1167 AS REPORTED FROM HOUSE COMMITTEE

Senate Bill 1167 (H-1) would amend the Michigan Election Law to remove the requirement that a circulator of a petition for an individual to become a candidate in a primary for a partisan office be a registered voter in Michigan. Instead, the bill requires a petition circulator to be 18 years of age or older and a United States citizen.

[Note: Public Act 94 of 2014, House Bill 5152, already allows the use of non-resident circulators for petitions to amend the state constitution; initiate legislation; form a new political party; or for independent candidates to qualify for the offices of president, governor, attorney general, secretary of state, member of the state board of education; regent or trustee of the University of Michigan, Wayne State University, or Michigan State University; or justice of the supreme court.]

Senate Bill 1167 (H-1) would require that a circulator who is not a resident of Michigan indicate so by a cross or check mark on the line provided in the certificate of circulator; otherwise, signatures on the petition sheet would be invalid and would not be counted by a filing official. An out-of-state circulator, by making the cross or check mark, would be agreeing to accept the jurisdiction of Michigan for the purpose of any legal proceeding or hearing concerning a petition sheet and agreeing that legal process served on the Secretary of State (or the SOS's designated agent) has the same effect as if personally served on the circulator. A circulator not a resident of Michigan who was registered to vote in another state would have to indicate in which county he or she was registered.

The bill also makes several amendments to language on the petition form. The warning to those who sign petitions would say it is a violation to sign a petition more than once, and the circulator's certificate would have to say that he or she has neither caused nor permitted someone to sign more than once and has no knowledge of anyone signing more than once.

Unlike the Senate-passed version of the bill which eliminated some fines and sanctions, Senate Bill 1167 (H-1) would retain provisions that provide for enhanced sanctions and fines for certain circulation and petition violations. (The standard misdemeanor violation carries a fine of up to \$500 and/or imprisonment for up to 93 days.) In certain cases, the election law allows up to one year's imprisonment for certain petition filings that are

knowingly and intentionally in violation of the law. That penalty also applies to various other individuals if they knew of the violation and failed to report it. In addition, the Board of State Canvassers may impose an administrative fines of up to \$5,000 on the organization or person sponsoring the petition; charge the organization or person for the costs of canvassing a petition form; disqualify the organization or person from collecting petition signatures for up to four years; and disqualify signatures or a candidate as described above. Senate Bill 1167 (H-1) would retain all of these provisions, in addition to the standard misdemeanor penalties.

FISCAL IMPACT:

There would be an indeterminate fiscal impact for state and local governments. Local libraries would collect any penal fees from petition violations, and the state would collect any fees imposed by the State Board of Canvassers. It is unknown whether the bill would result in additional or fewer fees collected, but the amounts involved should be nominal.

POSITIONS:

The Secretary of State supports the bill. (12-16-14)

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