

# Legislative Analysis

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## **NOMINATING PETITIONS: ALLOW OUT-OF-STATE CIRCULATORS**

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**Senate Bill 1167 (Substitute S-1)**  
**Sponsor: Sen. Dave Robertson**  
**House Committee: Elections and Ethics**  
**Senate Committee: Local Government and Elections**

**Complete to 12-15-14**

### **A SUMMARY OF SENATE BILL 1167 AS PASSED BY THE SENATE 12-11-14**

The bill 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 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.

The bill also strikes 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 case, 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 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. The bill would delete all of these provisions. The standard misdemeanor penalties would remain.

**FISCAL IMPACT:**

There would be a nominal negative fiscal impact for state and local governments. The bill would eliminate certain fines and punishments for petitioner violations, and the loss of penal fees would impact local libraries. It would also eliminate an administrative fine the State Board of Canvassers can impose, which would impact the state budget. While the exact potential loss of revenue cannot be determined, the amounts involved should be nominal.

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