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Senate Bill 1167 (as enacted)  
Sponsor: Senator Dave Robertson  
Senate Committee: Local Government and Elections  
House Committee: Elections and Ethics

**PUBLIC ACT 418 of 2014**

Date Completed: 1-13-15

**CONTENT**

**The bill amended the Michigan Election Law to do the following:**

- **Delete a requirement that the circulator of a petition be a registered elector of this State at the time of circulation (except as allowed for certain statewide petitions).**
- **Require a circulator to assert on the Certificate of Circulator that he or she is at least 18 years old and a United States citizen.**
- **Require a nonresident circulator to indicate on the Certificate that he or she agrees to accept the jurisdiction of this State; and delete a requirement to submit an irrevocable written stipulation of that agreement.**
- **Include a warning on the nominating petition form that signing more than once is in violation of the Law.**
- **Include in the Certificate of Circulator an assertion that the circulator has not allowed or caused a person to sign more than once.**

**The bill also repealed a section of the Election Law that authorized a circuit court judge and circuit court commissioner to remove a county clerk under certain circumstances.**

The bill took effect on December 30, 2014.

**Registered Elector Requirement; Nonresidents**

Previously, the Election Law required the circulator of a petition to be a registered elector of this State at the time of circulation. A circulator also had to be registered in the city or township indicated in the Certificate of Circulator on the petition, at the time of executing the certificate. The bill deleted those provisions, as well as language requiring the circulator of a petition under Section 482, a qualifying petition for an office named in Section 590b(4), or a petition to form a new political party, to be a registered elector of this State or qualified to be a registered elector of the State at the time of circulating the petition and executing the certificate, or, if not a resident of the State, to be at least 18 years old and a United States citizen.

(Section 482 pertains to an initiative petition to amend the State Constitution or initiate legislation, or a petition for a referendum on legislation. The offices named in Section 590b(4) are the U.S. President, U.S. Senator, Governor, Attorney General, Secretary of State, State Board of Education, Supreme Court justice, or board of the University of Michigan, Michigan State University, or Wayne State University.)

The Election Law also had required a nonresident circulator to submit to the sponsor of the petition a signed, irrevocable written stipulation agreeing to accept the jurisdiction of the State for the purpose of any legal proceeding or hearing that concerned a petition sheet executed by the circulator, and agreeing that legal process served on the Secretary of State or his or her designated agent would have the same effect as if personally served on the circulator. The bill, instead, requires a nonresident circulator to agree to the same provisions where provided on the Certificate of Circulator.

The bill also deleted related language that had been added to the Certificate of Circulator of a petition under Section 482, a qualifying petition for an office named in Section 590b(4), or a petition to form a new political party.

The bill added language to the Certificate of Circulator requiring the circulator, if not a resident of Michigan, to make a cross or check mark on a line provided, and stating that, otherwise, each signature on the petition sheet is invalid and the signatures will not be counted by a filing official. This language also contains the circulator's acceptance of the jurisdiction of the State and the circulator's agreement regarding service on the Secretary of State, as described above.

The bill requires the circulator to assert in the Certificate that he or she is 18 years of age or older and a U.S. citizen.

#### Signing More Than Once

The Election Law requires a nominating petition to contain a warning that a person who knowingly signs more petitions for the same office than there are individuals to be elected to the office, or signs a name other than his or her own, is violating the Law. Under the bill, this warning also refers to signing a petition more than once.

In addition, the bill includes in the Certificate of Circulator an assertion that the circulator has neither caused nor permitted a person to sign the petition more than once and has no knowledge of a person doing so.

#### Repeal

The bill repealed Section 208 of the Election Law, which authorized the judge of a circuit court and the circuit court commissioner to remove the county clerk if, in their opinion, he or she was incompetent or had been guilty of official misconduct or habitual or willful neglect of duty, after the clerk had been given an opportunity to defend himself or herself.

MCL 168.544c

Legislative Analyst: Suzanne Lowe

#### **FISCAL IMPACT**

The bill will have no fiscal impact on State or local government.

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.