

Legislative Analysis



PROCEDURES FOR BALLOT QUESTION PETITIONS AND RECALL PETITIONS

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bills 5208 and 5209 as introduced
Sponsor: Rep. Jeremy Moss

Analysis available at
<http://www.legislature.mi.gov>

House Bill 5210 as introduced
Sponsor: Rep. Kevin Hertel

House Bill 5213 as introduced
Sponsor: Rep. Sheldon Neeley

House Bills 5211 and 5212 as introduced
Sponsor: Rep. Leslie Love

House Bill 5214 as introduced
Sponsor: Rep. Christine Greig

Committee: Elections and Ethics
Complete to 12-11-18

SUMMARY:

House Bills 5208 to 5214 would amend the Michigan Election Law. All eight bills would add sections to Chapter 22 (Initiative and Referendum) and Chapter 36 (Recall) of the Law. Additionally, HB 5214 would amend Chapters 24A (Candidates Without Political Party Affiliation) and 28 (Holding of Elections). HBs 5209 and 5214 would take effect 90 days after enactment.

House Bill 5208 would provide the procedure by which an elector could have his or her name removed from a ballot question petition (including a proposed constitutional amendment, initiation of legislation, or referendum of legislation) or recall petition. In those cases, before the petition was filed with the Michigan Secretary of State (SOS), the elector would have to submit a signed statement requesting that his or her name and signature be removed. The SOS would have to remove the name and signature immediately when the petition was filed. The removed name would not count toward the requisite number of signatures.

Proposed MCL 168.473a and 168.960a

House Bill 5209 would prohibit organizations from employing an individual to circulate or obtain signatures on a ballot question petition or recall petition if that individual had been convicted of an election crime, including election fraud or forgery.

Proposed MCL 168.484a and 168.956a

House Bill 5210 would prohibit an individual employed to circulate a ballot question petition or recall petition from being paid a fixed rate or amount for each signature collected or each completed signature sheet. Rather, if an individual received compensation to circulate a ballot question initiative or recall petition, he or she would have to be compensated at an hourly rate for time worked.

Proposed MCL 168.483b and 168.957a

House Bill 5211 would prohibit an individual employed by an organization to circulate or obtain signatures on a ballot question petition or recall petition from intentionally making a false statement or misrepresentation concerning the contents, purport or effect of the petition to a person who signs, desires to sign, is requested to sign, or makes inquiries about a petition, or to whom the petition is presented for signature.

The bill would also prohibit the circulator from knowingly and willfully circulating, publishing, or exhibiting a false statement or misrepresentation about the contents, purport, or effect of the petition for the purpose of persuading or influencing the person to sign the petition.

A circulator who violated either of these provisions would be guilty of a misdemeanor punishable by a fine of up to \$10,000.

Proposed MCL 168.484a and 168.956a

House Bill 5212 would require an individual receiving compensation to circulate a ballot question petition or recall petition to wear an ID badge while circulating that identifies the individual as a paid petition circulator and the person or entity paying the circulator.

Proposed MCL 168.483a and 168.957b

House Bill 5213 would require an organization employing at least one individual as a paid circulator obtaining signatures for a ballot question proposal or recall petition to register the organization with the SOS and maintain a record of each individual employed as a circulator. The SOS could request a copy of the record of circulators at any time. If the organization did not provide the record, the organization would be subject to a civil fine of \$5,000 for the first violation, \$7,500 for the second violation, and \$10,000 for a third or subsequent violation.

Proposed MCL 168.484a and 168.956a

House Bill 5214 would provide that a person who signed a petition more than once would not be in violation of the Michigan Election Law, and that only the first signature would count toward the signature total for that petition. This provision would apply for the following types of petitions: ballot question petition (including a proposed constitutional amendment, initiation of legislation, or referendum of legislation), nominating petition, qualifying petition for a candidate without political party affiliation, petition to form a new state political party, and recall petition.

The bill would also remove from the language on the certificate of the circulator the indication that the circulator had not caused or permitted a person to sign the petition more than once, and had no knowledge of a person signing more than once.

Finally, the bill would repeal Section 547a of the Law. Section 547a states that, if an elector signed nominating petitions for more candidates for a political office than there were openings available, the electors signatures could not all be counted. If the petitions were signed on the same day, no signatures would count, and if they were signed on different days, the earliest signatures would be counted until the number of openings to be filled was reached.

MCL 168.482 et al.

FISCAL IMPACT:

The bills would have no fiscal impact on state or local units of government, with the exceptions of House Bills 5211 and 5213.

House Bill 5211 would create a misdemeanor punishable by a fine of up to \$10,000. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally designated recipients of those revenues. Also, the bill's fiscal impact on the judiciary and local court funding units would depend on how the provisions of the bill affected court caseloads and related administrative costs.

House Bill 5213 would direct potential civil fines from violations of provisions in the bill to the General Fund. Any additional potential revenue from the bill is not likely to be significant.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.