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BILL  ANALYSIS

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Senate Bills 809, 810, and 811 (as enacted)

**PUBLIC ACTS 120-122 of 2018**

Sponsor: Senator Dave Robertson

Senate Committee: Elections and Government Reform

House Committee: Elections and Ethics

Date Completed: 11-1-18

**CONTENT**

**Senate Bill 809 repeals sections of the Michigan Election Law that provide for the standardization of paper voting ballots, as well as chapters of the Law that govern elections for county auditors and municipal judges. The bill also amends the Law to do the following:**

- Delete provisions under which a person convicted of cheating on a classified civil service examination is not eligible for election to certain offices for 20 years.
- Require a special primary to be held at least 45 days, rather than at least 20 days, before a special election.
- Amend the list of materials that must be furnished by a board of county election commissioners at a Federal, State, district or county primary or election.
- Require ballots for a regular or special election, or a primary election for the nomination of certain candidates to be printed and delivered to the election commission's township, village, or city clerk at least 45 days, instead of at least 10 days before the election.
- Revise the qualifications for a person circulating a recall petition.

**Senate Bills 810 and 811 amend the Revised Judicature Act and the Revised School Code, respectively, to reflect changes made by Senate Bill 809.**

Senate Bills 810 and 811 are tie-barred to Senate Bill 809. Each bill will take effect on December 31, 2018.

Senate Bill 809 is described in detail below.

Eligibility for Office; Possession of Classified Service Exam or Answer

The Law provides that a person who has been convicted of providing or possessing a copy of a classified service examination or answers is not eligible for the following offices for a period of 20 years after the conviction:

- Governor or Lieutenant Governor.
- United States Senator.
- Representative in Congress.
- County clerk, register of deeds, prosecuting attorney, sheriff, drain commissioner, surveyor, or coroner.

- Membership on the State Board of Education, the board of regents of the University of Michigan, the board of trustees of Michigan State University, or the board of governors of Wayne State University.
- A township office.
- An elective or appointive village office.
- Justice of the Supreme Court.
- Judge of the circuit court.
- Judge of probate.
- Judge of the district court.

The bill deletes these provisions.

### Special Primary Election

The Law provides that if a special election is called to fill a vacancy in any office, the candidates for which are regularly nominated under the provisions of the Law relating to primary nominations, a special primary for all political parties must be held in the county, district, or city in which the vacancy occurs on a day set by the official or legislative body calling the special election, at least 20 days before the date of the special election.

Under the bill, a special primary must be held at least 45 days before the date of the special election.

### County Election Supplies

Under the Law, at any Federal, State, district or country primary or election, boards of county election commissioners must furnish, at the expense of their respective counties, certain supplies. The supplies include the following:

- Suitable forms for use by the precinct election inspectors in making returns of any such primary or election to the boards of county canvassers.
- Suitable tally sheets or combined tally and return sheets to be used by the inspectors.
- Self-addressed substantial paper envelopes with gummed flaps to be used for sealing the statement of returns, tally books or combined tally and return sheets, poll lists, and certificate of election inspectors.
- A sufficient number of substantial paper wrappers for use in wrapping the packages or rolls of each kind of ballots cast at a primary or election.
- As many black or blue lead pencils as may be necessary to supply each election precinct with at least three pencils for each booth erected in the precinct.

The Election Law prescribes additional requirements for the forms, tally sheets, paper wrappers, and pencils.

Under the bill, at any Federal, State, district or country primary or election, boards of county election commissioners must furnish, at the expense of their respective counties, all of the following:

- Suitable forms to be prescribed by the Secretary of State for use by precinct election inspectors in making returns of any primary or election to the boards of county canvassers.
- Suitable write-in sheets to be used by the inspectors in recording the names of all write-in candidates.
- Self-addressed substantial paper envelopes with gummed flaps to be used for sealing the statement of returns, write-in sheets, poll lists, and certificate of election inspectors.

### Delivery of Ballots

The Law requires the township, city, or village board of election commissioners for each jurisdiction conducting an election to have the ballots for a regular or special election, or a primary election for the nomination of candidates for township, city, ward, or community college offices printed and delivered to the election commission's township, village, or city clerk at least 10 days before the election. Under the bill, the applicable board of election commissioners must have the ballots printed and delivered to the clerk at least 45 days before the election.

### Recall Petition Circulator; Qualifications

The Law requires a person circulating a recall petition to be a qualified and registered elector in the electoral district of the official sought to be recalled and must attach to the petition his or her certificate stating that he or she is a qualified and registered elector in the electoral district of the official sought to be recalled, and must state the city or the township where he or she resides and his or her post office address.

Under the bill, instead, a person circulating a recall petition must state in the certificate of circulator his or her residence address and that he or she is 18 years of age or older and a United States citizen.

### Repeals

The bill repeals Sections 15, 121, 149, 302a, 416a to 416d, 467n, 467p, 613c, 647, 655, 656, 669a, 704, 705, 717a, 739, 761a, 802, 804, 847, and 947 of the Michigan Election Law. The bill also repeals Chapters IX (County Auditors) and XIXA (Judges of Municipal Courts of Record).

MCL 168.37 et al. (S.B. 809)  
600.9940 (S.B. 810)  
380.1811 (S.B. 811)

Legislative Analyst: Nathan Leaman

### **FISCAL IMPACT**

The bills would 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.