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BILL ANALYSIS



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House Bill 6107 (Substitute H-1 as passed by the House)
House Bill 6108 (Substitute H-1 as passed by the House)
Sponsor: Representative Kimberly LaSata (H.B. 6107)
Representative Jim Lilly (H.B. 6108)
House Committee: Election and Ethics
Senate Committee: Elections and Government Reform

Date Completed: 11-29-18

CONTENT**House Bill 6107 (H-1) would amend the Michigan Election Law to do the following:**

- **Prohibit and prescribe misdemeanor penalties for providing false information on school board nominating petitions, petitions for constitutional amendments, qualifying petitions for a candidate without a party affiliation, new political party positions, and recall petitions.**
- **Prohibit and prescribe felony penalties for signing a petition with multiple names on school board nominating petitions, petitions for constitutional amendments, qualifying petitions for a candidate without a party affiliation, new political party positions, and recall petitions.**

House Bill 6108 (H-1) would amend the sentencing guidelines in the Code of Criminal Procedure to include the proposed felonies as Class E offenses against the public trust with a statutory maximum of five years' imprisonment.

House Bill 6108 (H-1) is tie-barred to House Bill 6107.

House Bill 6107 (H-1) is described in detail below.

School Board Nominating Petitions

Under Michigan Election Law, for an individual's name to appear on the official ballot as a candidate for school board member, the candidate must file a nominating petition and an affidavit with the school district filing official. The nominating petition must be signed by a specified number of electors in the school district.

A school elector may not sign petitions for more candidates than are to be elected. The bill would delete this provision and, instead, prohibit an individual from knowingly signing more nominating petitions for the same office than there were persons to be elected to the office. An individual who violated this prohibition would be guilty of a misdemeanor.

Under the bill, an individual also could not do any of the following:

- Sign a nominating petition with a name other than his or her own.
- Make a false statement in a certificate on a nominating petition.
- Sign a nomination petition as a circulator, if not a circulator.
- Sign a name as circulator other than his or her own.

Except as otherwise provided, an individual who did any of the listed acts would be guilty of a misdemeanor punishable by a maximum fine of \$500 or up to 93 days' imprisonment, or both.

An individual could not sign a nominating petition with multiple names. An individual who did so would be guilty of a felony.

Constitutional Amendment, Initiation, Referendum Petitions

The Michigan Constitution allows amendments to the Constitution, initiated laws, and referendum elections by petition of the registered electors of the State. Section 482 of the Michigan Election Law requires that petitions for a constitutional amendment, initiated law, or referendum election meet certain specifications.

Under the bill, an individual could not do any of the following regarding a petition under Section 482:

- Sign a petition with a name other than his or her own.
- Make a false statement in a certificate on a petition.
- Sign a petition as a circulator, if not a circulator.
- Sign a name as circulator other than his or her own.

Except as otherwise provided, an individual who did any of the above acts would be guilty of a misdemeanor punishable by a maximum fine of \$500 or up to 93 days' imprisonment, or both.

An individual could not sign a petition under Section 482 with multiple names. An individual who did so would be guilty of a felony.

Nominating Petitions

The Law generally requires any person who is a candidate for nomination of any partisan or nonpartisan political office except a city or village, or judicial office, to submit nominating petitions with the signatures of qualified electors.

Under the bill, an individual could not sign a nominating petition with multiple names. An individual who did so would be guilty of a felony.

Qualifying Petitions for a Candidate without Party Affiliation

The Law prohibits an individual from knowingly signing more qualifying petitions for the same office than there are individuals to be elected to the office or signing a name other than his or her own on the petition. The bill would provide that a person who knowingly signed more petitions for the same office than there are persons to be elected office would be guilty of a misdemeanor.

The bill also would prohibit an individual from doing any of the following:

- Making a false statement in a certificate on a qualifying petition.
- If not a circulator, signing a qualifying petition as a circulator.
- Signing a name as circulator other than his or her own.

Except as otherwise provided below, an individual who violated these prohibitions would be guilty of a misdemeanor punishable by a maximum fine of \$500 or up to 93 days' imprisonment, or both.

The bill also would prohibit an individual from signing a qualifying petition with multiple names. An individual who violated this prohibition would be guilty of a felony.

New Political Party Petitions

The Election Law specifies that the name of a candidate of a new political party may not be printed on the official ballots of an election unless party officers file with the Secretary of State a signed certificate bearing the name of the party, along with petitions bearing a specified number of signatures of registered and qualified electors.

The Law prohibits an individual from knowingly signing a petition to organize more than one new State political party or signing a petition to organize a new State political party more than once. Under the bill, a person who did so would be guilty of a misdemeanor.

The Law also prohibits an individual from signing a petition to form a new political party with a name other than his own. Under the bill, an individual also could not do any of the following:

- Make a false statement in a certificate on a petition to form a new political party.
- Sign a petition as a circulator, if not a circulator.
- Sign a name as circulator other than his or her own.

Except as otherwise provided, an individual who violated any of the acts listed above would be guilty of a misdemeanor punishable by a maximum fine of \$500 or up to 93 days' imprisonment, or both.

The bill would prohibit an individual from signing a petition to form a new political party with multiple names. An individual who did so would be guilty of a felony.

Recall Petitions

The Law requires a recall petition to be signed by registered and qualified electors of the electoral district of the official whose recall is sought. Each signer of a recall petition must affix his or her signature, address, and the date of signing. An individual who signs a recall petition must be a registered and qualified elector of the governmental subdivision designated in the heading of the petition.

Under the bill, an individual could not do any of the following:

- Sign a recall petition with a name other than his or her own.
- Make a false statement in a certificate on a recall petition.
- If not a circulator, sign a recall petition as a circulator.
- Sign a name as circulator other than his or her own.

Except as otherwise provided, an individual who did so would be guilty of a misdemeanor punishable by a maximum fine of \$500 or up to 93 days' imprisonment, or both.

An individual also could not sign a recall petition with multiple names. An individual who did so would be guilty of a felony.

MCL 168.303 et al. (H.B. 6107)
777.11d (H.B. 6108)

Legislative Analyst: Stephen Jackson
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FISCAL IMPACT

House Bill 6107 (H-1)

The bill could have a negative fiscal impact on State and local government. More misdemeanor and felony arrests and convictions could increase resources depends on law enforcement, court systems, community supervision, jails, and correctional facilities. The average cost to State government for felony probation supervision is approximately \$3,024 per probationer per year. For any increase in prisoner intakes, in the short term, the marginal cost to State government is approximately \$3,764 per prisoner per year. Any associated increase in fine revenue increases funding to public libraries.

House Bill 6108 (H-1)

The bill would have no fiscal impact on local government and an indeterminate fiscal impact on the State. According to the Michigan Supreme Court's July 2015 in *People v. Lockridge* (in which the Court struck down portions of the sentencing guidelines law), the sentencing guidelines are advisory for all cases. This means that the additions to the guidelines under the bill would not be compulsory for the sentencing judge. As penalties for felonies convictions vary, the fiscal impact of any given felony conviction depends on judicial decisions.

Fiscal Analyst: Abbey Frazier

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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.