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BILL ANALYSIS

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House Bill 5060 (Substitute H-2 as passed by the House)
 Sponsor: Representative Michael L. Green
 House Committee: Constitutional Law and Ethics
 Senate Committee: Government Operations

Date Completed: 12-2-99

CONTENT

The bill would amend the Michigan Election Law to do the following:

- Delete the number of nominating petition signatures currently required for specific offices, and establish a range of signatures based on the population of the district involved, for all nominating petitions.
- Provide for the county-wide circulation of petitions.
- Make various changes concerning judicial nominating petitions.
- Require the county, city, and township clerks within each county to select a single preferred voting system for the county.

Nominating Petition Signatures

Currently, nominating petitions must contain signatures of a number of qualified and registered electors of a jurisdiction (the State, a district, a county, or a municipality) equal to a percentage of the number of votes cast in that jurisdiction for Secretary of State at the last general November election in which a Secretary of State was elected, as shown in Table 1. (If the candidate is nominated by a political party, the percentage applies to the number of votes cast by that party.) If a nonpartisan petition requirement is not contained in law or charter, the minimum number of signatures is 0.5% of the vote for Secretary of State, but not fewer than 10. The bill would delete these requirements.

Table 1

Current Signature Requirements

Office	Percentage of Votes Cast		Jurisdiction
	Minimum	Maximum	
Governor	1%	2%	State
State Senator or Representative	1%	2%	district
County clerk, co. treasurer, register of deeds, prosecuting attorney, sheriff, drain commissioner, surveyor, coroner, auditor, or road commissioner	1%	2%	county
City office (including a ward)	1%	2%	city or ward
Township office	1%	2%	township
Court of Appeals judge (nonincumbent)	0.5%	2%	appellate court district
Circuit Court judge	1%	2%	judicial district
Municipal Court judge	0.5%	2%	municipality
Probate Court judge	1%	2%	county
District Court judge	0.5%	2%	judicial district or division

Under the bill, the number of signatures of qualified and registered electors necessary for nominating petitions under the Election Law

would be based upon the population of the district involved according to the most recent Federal census, as shown in Table 2.

Table 2

Proposed Signature Requirements

Population	Partisan Petition		Nonpartisan Petition		Qualifying Petition	
	MIN	MAX	MIN	MAX	MIN	MAX
0 - 9,999	3	10	6	20	9	30
10,000 - 24,999	20	50	40	100	60	150
25,000 - 49,999	50	100	100	200	150	300
50,000 - 74,999	100	200	200	400	300	600
75,000 - 99,999	200	400	400	800	600	1,200
100,000 - 199,999	300	500	600	1,000	900	1,500
200,000 - 499,999	500	1,000	1,000	2,000	1,500	3,000
500,000 - 999,999	1,000	2,000	2,000	4,000	3,000	6,000
1,000,000 - 1,999,999	2,000	4,000	4,000	8,000	6,000	12,000
2,000,000 - 4,999,999	4,000	8,000	6,200	12,000	12,000	24,000
over 5 million (Statewide)	15,000	30,000	30,000	60,000	30,000	60,000

Petition Circulation

The Election Law allows county-wide circulation of nominating petitions for the office of Governor, State Representative, State Senator, U.S. Senator, U.S. Representative, or Court of Appeals judge, and petitions for a constitutional amendment, initiation of legislation, or referendum of legislation. The bill, instead, would allow county-wide circulation of nominating petitions for the offices under the Law, the petitions listed above, and local proposals.

Judicial Candidates

Under the Election Law, a person is not eligible for a judicial office unless he or she is a qualified elector of the applicable jurisdiction (i.e., the State, for a Supreme Court justice; the appellate court district, for the Court of Appeals; the judicial circuit where the election is sought, for the circuit court; the municipality, for a municipal court; the county, for the probate court; or the judicial district and election division, for the district

court). Under the bill, a person would have to be a registered and qualified elector of the applicable jurisdiction by the filing deadline or the date the person filed the affidavit of candidacy.

Currently, nominating petitions for a judicial office must be received by the 12th Tuesday before the

primary. The bill would change that deadline to the 14th Tuesday before the primary. (The Secretary of State receives petitions for the office of Court of Appeals, circuit court, and district court judge. County clerks receive petitions for the office of probate court judge. City clerks receive petitions for the office of municipal court judge.)

Under the Law, nominating petitions must indicate whether a judicial candidate (other than a candidate for the Supreme Court) is filing for 1) an unspecified existing judgeship for which the incumbent judge is seeking election; 2) an unspecified existing judgeship for which the incumbent is not seeking election; or 3) a new judgeship. Under the bill, in a primary and general election for two or more judgeships in which more than one of these categories could be selected, a candidate would have to apply to the Bureau of Elections for a written statement of office designation to correspond to the judgeship sought by the candidate. The office designation provided by the Secretary of State would have to be included in the heading of all nominating petitions. Petitions containing an improper office designation would be invalid.

The Secretary of State would be required to issue an office designation of incumbent position for any judgeship for which the incumbent judge was eligible to seek reelection. If an incumbent did not file an affidavit of candidacy by the deadline, the Secretary of State would have to notify all candidates for that office that a nonincumbent position existed. All

nominating petitions circulated for the nonincumbent position after the deadline would have to bear an office designation of nonincumbent position. All signatures collected before the affidavit of candidacy filing deadline could be filed with the nonincumbent nominating petitions.

Currently, if there is a vacancy in the office of Supreme Court justice, a person must be elected to fill that office at the next general November election held at least 90 days after the vacancy occurs. Under the bill, a person would have to be elected to fill a Supreme Court office at the next general November election held at least 105 days after the vacancy occurred. If there is a vacancy in the office of Court of Appeals judge, or judge of the circuit, probate, or district court, the Law requires a person to be elected at the next fall primary held at least 91 days after the vacancy occurs. The bill would require the office to be filled at the next fall primary held at least 105 days after the vacancy occurred.

In addition, the bill would change the deadline for an incumbent judge to file an affidavit of candidacy. Currently, the deadline is 120 days before the date of the primary election. Under the bill, it would be 134 days before that date. The bill also provides, however, that if an incumbent judge of the Court of Appeals or the circuit, probate, or district court were appointed to fill a vacancy and the judge began the duties of the office less than 137 days before the date of the primary election but before than 14th Tuesday preceding the primary, the incumbent judge could file an affidavit of candidacy within three days after beginning the duties of office.

Under the Law, after a nominating petition or affidavit of candidacy is filed by or on behalf of a proposed candidate for the office of Court of Appeals judge or judge of the circuit, probate, or district court, the candidate may not withdraw unless he or she serves a written notice of withdrawal on the Secretary of State. The notice must be served within three days after the last day for filing petitions. Under the bill, that deadline would apply if a nominating petition were filed for the proposed candidate. If an affidavit of candidacy were filed for the proposed candidate, the notice of withdrawal would have to be served within three days after the last day for filing affidavits of candidacy.

Voting Systems

The bill would require the Secretary of State to direct the county, city, and township clerks within each county to select a single preferred voting system for the county. By March 1, 2001, the county clerks would have to report to the Secretary of State the name and model of the preferred voting system for the county.

Each county clerk would have to convene the city

and township clerks within the county to determine the preferred voting system. The selection would have to be made by majority vote of the county, city, and township clerks. For the purpose of this selection, a preferred system would have to be a mechanical lever voting machine, paper ballot, or an electronic voting system approved by the Board of State Canvassers.

Jurisdictions would not be required to purchase a new voting system under these provisions. After a preferred system was selected and reported to the Secretary of State, the county board of election commissioners would not be responsible for incurring the expense for ballots or other supplies for a voting system that was purchased after the report to the Secretary of State and that was not the preferred system. The county board of election commissioners would have to continue to incur the expense for ballots and supplies for voting systems that were not the preferred system but were purchased before the report of a preferred system to the Secretary of State.

The Election Law specifies requirements that an electronic voting system must meet. The bill also would require an electronic voting system to allow for accumulation of vote totals from the precincts in the jurisdiction. The accumulation software would have to meet specifications prescribed by the Secretary of State, and be certified by the Secretary of State as meeting those specifications.

Other Provisions

Under the Election Law, a person is not eligible for office if he or she is not a qualified elector of the applicable jurisdiction (the State, for the office of Secretary of State, Attorney General, State Senator or Representative, or university board; the county, for a county office; or the township, for a township office). Under the bill, a person would have to be a registered and qualified elector of the State on the date he or she was nominated, or of the county or township by the filing deadline, as applicable.

Currently, a candidate for delegate to the county or district conventions of a political party must be a qualified and registered elector residing in the election precinct for which he or she desires to become a candidate. Under the bill, this requirement would apply on the filing deadline. Candidates for delegate must file affidavits of identity, and county clerks must receive affidavits of identity up to 4 p.m. on the 12th Tuesday preceding the time designated for holding a primary election in the county. The bill would change that deadline to the 16th Tuesday.

The bill would repeal Section 222 of the Law, under which a person is not eligible for the office of county

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auditor if he or she is not a qualified and registered elector of the county in which the election is sought.

MCL 168.53 et al.

Legislative Analyst: S. Lowe

FISCAL IMPACT

Under the voting systems provisions of this bill, local units of government would be required to determine a preferred voting system for their jurisdiction. The local units would have to report the preferred system to the Secretary of State by March 1, 2001. If a local unit of government were to purchase a system that was not the preferred system and the local unit purchased the system after the report to the Secretary of State, then the local unit would not be responsible for expenses incurred for ballots or other supplies needed for the system. If the system were purchased before local unit reported to the Secretary of State and the system were not the preferred system, the local unit would be responsible for expenses associated with the system. The fiscal impact on local units would depend upon each unit's decision to purchase a new system.

Fiscal Analyst: E. Limbs