

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 5061 (Substitute H-3 as reported without amendment)

Sponsor: Representative Mickey Mortimer

House Committee: Constitutional Law and Ethics

Senate Committee: Government Operations

CONTENT

The bill would amend the Michigan Election Law to revise provisions that regulate the submission of petitions to propose an amendment to the State Constitution, initiate legislation, or invoke a referendum; specify when a question would be considered to be filed to appear on the ballot; allow the Board of State Canvassers and other election officials to use the Qualified Voter File (QVF) to check the validity of petition signatures; and specify criminal and administrative penalties for violations committed by petition circulators and signers, candidates, and persons sponsoring a petition drive.

Under the bill, if signatures on a petition to propose a constitutional amendment, or a petition to initiate legislation, were collected both before and after a November general election at which a governor was elected, the signatures collected before the election, or the signatures collected after the election, at the option of the organization or other person sponsoring the petition drive, would be invalid.

After the day a petition was filed, the Secretary of State could not accept further filings of that petition to supplement the original filing. This would apply to a petition proposing a constitutional amendment, an initiative petition, and a petition to invoke the referendum.

At least two business days before the Board of State Canvassers met to make a final determination on challenges to and sufficiency of a petition, the Bureau of Elections would have to make public its staff report concerning disposition of challenges filed against the petition. Beginning with the receipt of any document from local election officials indicating that signatures were invalid, the Board would have to make that document available to petitioners and challengers on a daily basis.

MCL 168.471 et al.

Legislative Analyst: G. Towne

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on local government. The bill would create a new misdemeanor for providing false information on a petition, punishable by a maximum fine of \$500 and/or up to 93 days' incarceration, and a new misdemeanor for not reporting false information on a petition, punishable by a maximum fine of \$500 and/or up to one year's incarceration. Local units of government receive the fine revenue or incur the costs of incarceration for misdemeanors. Incarceration costs vary among the counties.

There also could be administrative costs imposed on the State to determine the validity of petition signatures, as well as to make a final determination on challenges to and sufficiency of a petition. However, the extent of these costs would depend on the number of signatures and challenges to a petition to be checked.

Date Completed: 12-7-99

Fiscal Analyst: K. Firestone/E. Limbs