



Senate Fiscal Agency
P.O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bills 292 and 293 (as introduced 3-24-21)
Sponsor: Senator Rick Outman
Committee: Elections

Date Completed: 5-12-21

CONTENT

Senate Bill 292 would amend the Michigan Election Law to do the following:

- **Require the Secretary of State (SOS) to establish a comprehensive training curriculum for each political party that sought to designate election challengers.**
- **Eliminate language allowing an incorporated organization or organized committee of interested citizens to designate challengers at an election.**
- **Require challengers to have attended election challenger training within the last three years in order to serve as a challenger in an election.**
- **Require a challenger to submit and sign an affidavit that attested to having attended the training to the political party that had conducted the training.**
- **Require a political party, at least three days before an election, to provide election challenger training for individuals seeking to serve as challengers for that party.**
- **Require the election challenger training provided by a political party to include the comprehensive training curriculum established by the SOS.**
- **Require a political party to retain a signed affidavit for at least three years.**
- **Repeal Section 731 of the Law.**

Senate Bill 293 would amend the sentencing guidelines in the Code of Criminal Procedure to remove the felony repealed by Senate Bill 292.

Senate Bill 293 is tie-barred to Senate Bill 292.

Senate Bill 292 is described in greater detail below.

Secretary of State; Comprehensive Training Curriculum

The Law prescribes the duties of the SOS pertaining to elections, the promulgation of rules, and other functions pertaining to the office. The bill would require the SOS to establish a comprehensive training curriculum for each political party that sought to designate election challengers at an election, regarding the powers, rights, and duties of election challengers.

Election Challengers; Training

Under the Election Law, at an election, a political party or an incorporated organization or organized committee of citizens interested in the adoption or defeat of a ballot question being voted for or upon at the election or interested in preserving the purity of elections and in guarding against the abuse of the election franchise, may designate challengers. Under the bill, instead, only a political party could designate challengers.

Currently, a challenger must be registered to vote in Michigan. Except where otherwise provided, a challenger may not also be a candidate for nomination or election to an office in the election in which he or she is a candidate. A candidate for the office of delegate to a county convention may serve as a challenger in a precinct other than the one in which he or she is a candidate. An individual appointed as an election inspector at an election cannot act as a challenger at any time during the election day. In addition to these provisions, under the bill, a challenger could not serve as a challenger at any election unless he or she had attended, within the last three years, election challenger training and submitted a signed affidavit that attested to having attended the training to the political party that conducted the training.

If a political party sought to designate challengers at an election, the political party, no less than three days before the election, would have to provide election challengers training for those individuals who sought to be election challengers for that political party. The training would have to include the comprehensive training curriculum established by the SOS regarding the powers, rights, and duties of election challengers.

After completing the training, the individual who sought to be an election challenger would have to sign and submit to the political party that had conducted the training an affidavit attesting that he or she attended the training. The election challenger training for an individual would be valid for three years from the date the signed affidavit was submitted to and filed with the political party that conducted the training. Additionally, a political party would be required to retain a signed affidavit for at least three years.

Statement of Intent to Appoint Challenger; Repeal

The bill also would repeal Section 731 of the Election Law. Section 731 requires an incorporated entity or organized committee of interested citizens intending to appoint challenger at an election to file a statement to that effect with the clerk of the county, city, village or township in which the election is to be held, and requires the clerk to perform certain duties after receiving the statement. Section 731 also states that a person who files a statement on behalf of an entity that is not authorized to appoint challengers or a clerk who fails to perform the prescribed duties is guilty of a felony punishable by up to two years' imprisonment, a fine of up to \$1,000, or both.

MCL 168.31 et al. (S.B. 292)
777.11d (S.B. 293)

Legislative Analyst: Dana Adams

FISCAL IMPACT

Senate Bill 292

There could be additional costs for the Department of State to establish a comprehensive training curriculum for each political party to designate election challengers at an election. The Department likely would incur costs beyond current appropriations to develop the required comprehensive training curriculum and training materials, along with the costs associated with providing any necessary trainings. The costs are indeterminate and would depend on the number of trainings ultimately required, the material costs for those trainings, as well as possible travel costs for staff associated with providing those trainings.

Senate Bill 293

The bill would have no fiscal impact on local government and an indeterminate fiscal impact on the State, in light of the Michigan Supreme Court's July 2015 opinion in *People v. Lockridge*, in which the Court ruled that the sentencing guidelines are advisory for all cases. This means

that the addition to the guidelines under the bill would not be compulsory for the sentencing judge. As penalties for felony convictions vary, the fiscal impact of any given felony conviction depends on judicial decisions.

Fiscal Analyst: Joe Carrasco

SAS\S2122\s292sa

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.