

ELECTIONS: NOMINATING PETITIONS; REGISTRATION RECORDS; VACANCIES IN OFFICE

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House Bill 5152 (Substitute H-2)
Sponsor: Rep. Lisa Posthumus Lyons
Committee: Elections and Ethics

Complete to 2-18-14

A SUMMARY OF HOUSE BILL 5152 (H-2) AS REPORTED FROM COMMITTEE

House Bill 5152 (H-2) would amend the Michigan Election Law (MCL 168.509gg & 168.544c) (1) to specify that a voter's signature on a nominating petition is invalid if the voter does not include his or her signature, street address and rural route, and date of signing on nominating petitions, (2) to prohibit an election clerk from releasing the last four digits of a registered voter's social security number; and (3) to establish nominating petition filing deadlines when unexpected vacancies occur in elective offices.

Nominating Petitions

Currently under the law, the secretary of state prescribes the format of the nominating petition that candidates and their volunteers circulate. The form requires space for those signing the petition to list their name (signed and printed), address, and the date; and, for those circulating the petition to do the same, as well as attesting they are registered voters and eligible circulators. The law specifies that a person's printed name does not constitute the signature of the circulator or elector. It also says that failure of a petition circulator or voter who signs a nominating petition to print his or her name or to enter a zip code or a correct zip code does not affect the validity of the signature of the circulator or voter signing the petition.

House Bill 5152 would retain all of these provisions, and add *if an elector [voter] does not include his or her signature, street address or rural route, or the date of signing on the petition, the elector's signature is invalid and shall not be counted by a filing official.*

Voter Registration Records

The Michigan Election Law now exempts certain information included in an elector's voter registration record from the Freedom of Information Act, and an election clerk is prohibited from releasing a copy of that portion of the registration record. An election clerk cannot release the following information:

- that a person declined to register to vote;
- the office that received a registered voter's application;
- a registered voter's driver's license or state personal identification card number;
- the month and day of birth of a registered voter;
- the telephone number provided by the registered voter; and
- the digitized signature of an elector that is transmitted to the Qualified Voter File.

House Bill 5152 (H-2) would retain all of these provisions. In addition, the bill also specifies that the last four digits of a registered voter's social security number contained in a

registration record would be exempt from disclosure under the Freedom of Information Act. Further, the bill clarifies that the last four digits of a voter's social security number could only be used by the Secretary of State to verify a registered voter's data as provided by the federal Help America Vote Act of 2002, and to verify a registered voter's status. House Bill 5152 (H-2) explicitly prohibits the use of the last four digits of a registered voter's social security number for any other purpose.

Nominating Petitions and Vacancies in Office

Generally, when there is a vacancy in an elected office due to a sudden death or unexpected resignation, a suitable successor is appointed (by locally elected officials) to fill the vacancy until the voters can elect their preferred candidate at a coming election. The length of time the appointed successor serves depends upon the timing of the vacancy—in particular, the length of time remaining in the unexpired term, and the date of the next general November election.

For example, the law now specifies that vacancies in any county offices are to be filled by the senior probate judge, the county clerk, and the prosecuting attorney. An appointee takes the oath of office, and holds that office for the remainder of the unexpired term, until a successor is elected and qualified.

However, current law clarifies that if the next general November election is to be held more than 182 days after the vacancy occurred, and it is not the election at which a successor in office would be elected if there were not a vacancy, the appointee would hold office only until a successor was elected at that next general November election, and that newly elected official would serve the remainder of the term.

House Bill 5152 (H-2) would remove the language underlined above, and specify instead, *"if the vacancy occurs more than seven days before the nominating petition filing deadline, as provided in section 224 for the general November election."* Under House Bill 5152 (H-2), this change would be made to 12 sections of the Michigan Election Law—to affect vacancies in the offices of county auditor, county road commissioner, school board member, every elected or appointed township office, metropolitan district officer, appeals court judge, circuit court judge, probate judge, and district judge.

FISCAL IMPACT:

The bill would have no fiscal impact on the state or local units of government.

POSITIONS:

The Secretary of State supports the bill. (2-4-14)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.