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House Bill 5152 (Substitute H-2 as passed by the House)
Sponsor: Representative Lisa Posthumus Lyons
House Committee: Elections and Ethics
Senate Committee: Local Government and Elections

Date Completed: 3-26-14

CONTENT

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

- **Specify that the last four digits of a registered voter's Social Security number would be exempt from disclosure under the Freedom of Information Act and could be used only for limited purposes.**
- **Specify that if an elector did not include certain information on a nominating petition, his or her signature would be invalid and could not be counted by a filing official.**
- **Revise procedures for electing a person to fulfill the remainder of a vacant term for various local, county, and State offices.**
- **Change the filing deadline for nominating petitions for the office of metropolitan district officer.**

Voter Registration Confidentiality

The Law provides that certain information contained in a voter registration record is exempt from the Freedom of Information Act (FOIA). The Secretary of State, a designated voter registration agency, or a county, city, township, or village clerk may not release a copy of the portion of a registration record that contains any of the following:

- The record that a person declined to register to vote.
- The office that received a registered voter's application.
- A registered voter's driver license or State ID number.
- The month and day of birth of a registered voter.
- The telephone number provided by a registered voter.
- An elector's digitized signature that is captured or produced and transmitted to the qualified voter file.

The bill 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 FOIA. The Secretary of State could use those last four digits only to verify a registered voter's data as provided by the Federal Help America Vote Act and to verify a registered voter's status under the Michigan Election Law. The last four digits could not be used or released for any other purpose.

Nominating Petitions

The Law establishes requirements for a nominating petition for the gathering of electors' signatures. A petition must include a space for each elector who signs it to print his or her

name. Failure of an elector who signs the petition to print his or her name, to print his or her name in the prescribed location, or to enter a zip code or his or her correct zip code does not affect the validity of the elector's signature. A printed name located in the space prescribed for printed names does not constitute the signature of the elector.

The bill specifies that if an elector did not include his or her signature, his or her street address or rural route, or the date of signing the petition, the elector's signature would be invalid and could not be counted by a filing official.

County Office Vacancies

The Law specifies procedures for filling vacancies in various elective or appointive county offices. Generally, a person appointed to fill a vacancy holds office for the remainder of the unexpired term and until a successor is elected and qualified. If the next general November election is to be held more than 182 days after the vacancy occurs, however, and it is not the general November election at which a successor in office would be elected if there were no vacancy, the appointee holds office only until a successor is elected at the next general November election and the successor qualifies for office.

The bill provides instead that, if the vacancy occurred more than seven days before the nominating petition filing deadlines for the general November election that was not the general November election at which a successor would be elected if there were no vacancy, the appointee would hold office only until a successor was elected at the next general November election and qualified for office.

School Board Vacancies

Under the Law, if less than a majority of the offices of school board member of a school district become vacant, the remaining school board members must fill each vacant office by appointment. If a vacancy is not filled within 30 days after it occurs or if a majority of the offices of school board member become vacant, the intermediate school board for that school district must fill each vacancy by appointment. An individual appointed under this provision serves until a successor is elected and qualified.

If a vacancy occurs in an office of school board member more than 90 days before a regular school election, an election must be held at that regular school election to fill the office for the remainder of the unexpired term, if any. Under the bill, instead, if a vacancy occurred in an office of school board member more than seven days before the nominating petition filing deadline for the general November election that was not the general November election at which a successor in office would be elected if there were no vacancy, the appointee would hold office only until a successor was elected at the next general November election and that successor qualified for office. The successor would hold the office for the remainder of the unexpired term.

Township Office Vacancies

Currently, if a vacancy occurs in an elective or appointive township office, and it is filled by appointment by the township board or the board of county election commissioners, and the next general November election is to be held more than 182 days after the vacancy occurs and that election is not the general November election at which a successor in office would be elected if there were no vacancy, the appointee holds office only until a successor is elected at the next general November election and qualifies for office.

Under the bill, instead, if the vacancy were filled by appointment and it occurred more than seven days before the nominating petition filing deadline for the general November election that was not the general November election at which a successor would be elected if there

were no vacancy, the appointee would hold office only until a successor was elected at the next general November election and the successor qualified for office.

Metropolitan District Officer

For an individual's name to appear on the official ballot as a candidate for metropolitan district officer, the candidate must file a nominating petition and the required affidavit with the metropolitan district election coordinator by 4 p.m. on the 12th Tuesday before the election date. Under the bill, the nominating petition and affidavit would have to be filed by 4 p.m. on the 15th Tuesday before the election date.

If a vacancy occurs in an office of metropolitan district officer more than 90 days before a regular metropolitan district election, an election must be held at that regular metropolitan district election to fill that office for the remainder of the unexpired term, if any. Under the bill, instead, if a vacancy occurred in an office of metropolitan district officer more than seven days before the nominating petition filing deadline for the regular metropolitan district election that was not the regular metropolitan district election at which a successor in office would be elected if there were no vacancy, the appointee would hold office only until a successor was elected at the next regular metropolitan district election and the successor qualified for office. The successor would hold the office for the remainder of the unexpired term.

Judicial Vacancies

If a vacancy occurs in the office of judge of the Court of Appeals, judge of the circuit court, judge of the probate court, or district court judge, the Governor must appoint a successor to fill the vacancy. At the next primary election held at least 105 days after the vacancy occurs, candidates are nominated to fill the vacancy, which must be filled at the next general November election following the primary. Under the bill, instead, if the vacancy occurred more than seven days before the nominating petition filing deadline for the general November election that was not the general November election at which a successor in office would be elected if there were no vacancy, the appointee would hold office until a successor was elected at the next general November election. The person elected would hold office for the remainder of the unexpired term.

MCL 168.209 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Joe Carrasco

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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.