

## **January 7, 2019 Legislative Summary**

### **HB 4700 -- Canvass/Certification Process for Precinct Delegates**

- The responsibility for certifying precinct delegate winners moves from precinct inspectors to the county clerk, who must make the certification within 7 days of the primary election.
- Write-ins for precinct delegate must now file with the county clerk (rather than the city or township clerk) and can still file as write-ins in the precinct on election day.
- Assigned 2018 PA 611.

### **HB 4734 -- Miscellaneous Changes to County Canvass Process**

- Clarifies that it is the County Prosecuting Attorney, County Sheriff, or Register of Deeds who may be appointed to fill a temporary vacancy on the County Election Commission.
- Changes compensation for the Board of County Canvassers.
- Provides that the County Clerk may employ assistants to help perform the duties of the board and payment for the assistants must be authorized by the county clerk.
- Requires every jurisdiction to use the EPB and provides that the EPB must be downloaded after 4pm on the Monday before the election, unless the jurisdiction has 51 or more precincts. In jurisdictions with 51 or more precincts, the download must occur after 2pm on the Saturday before the election.
- Requires the county canvass to commence no later than 9am on the Thursday after the election instead of at 1pm on the day after the election. The County Clerk or the Clerk's staff shall determine the meeting date and time. Please note this deadline applies to all election.
- Imposes a new requirement on counties to report to the Secretary of State the number of out-of-balance precincts that were not reconciled during the canvass.
- Assigned 2018 PA 614 with immediate effect.

### **HB 4747 and HB 4748 -- Filing Fee for Township Offices**

- Allows candidates for township supervisor, trustee, clerk, treasurer, and park commissioner to file a refundable \$100 filing fee in lieu of nominating petitions.
- Assigned 2018 PA 653 and 2018 PA 654 with immediate effect.

### **HB 5199 -- Presidential Election Canvass**

- Mandates that the Secretary of State order the expedited canvass of the presidential election results if the winner's margin of victory in Michigan is less than 25,000 votes, removing the Secretary's discretion to do so.
- Assigned PA 382 of 2018 with immediate effect.

### **HB 5801 -- Election Notice Requirements Under the Property Tax Limitation Act**

- Notice of election for an increase in the total tax rate limitation must include a statement of the amount by which the total tax rate limitation is increased and the number of years the increase would be effective.
- No longer requires a statement by the county treasurer.
- Assigned 2018 PA 658.

**HB 5992 and HB 6107 -- Election Forgery**

- Creates a new election forgery offense, which includes knowingly making, filing or otherwise publishing: (1) a false document with intent to defraud, or (2) a document that contains false signatures with intent to defraud.
- Makes it a felony to sign a petition with multiple names.
- Assigned 2018 PA 620 and 2018 PA 650 with immediate effect.

**HB 6582 -- "Emily" FOIA bill:**

- Amends the Freedom of Information Act to require requesters to provide their full name, address, contact information, and a valid phone number or email address.
- Provides that a requester's failure to pay a FOIA deposit within 45 days indicates that the requester has abandoned the request.
- Assigned 2018 PA 523 with immediate effect.

**HB 6595 -- Statewide Petition Canvass Process:**

- Makes substantial changes to the filing and canvass of statewide proposal petitions. Also adds requirements to certain county and local proposal petitions -- See \*\* below. Candidate petition forms remain unchanged.
- Places a signature cap that prohibits a petition sponsor from gathering more than 15% of the filed signatures from a single congressional district and renders all signatures gathered in excess of the cap invalid.
- Imposes a 7-business day deadline to file a lawsuit challenging a determination of petition sufficiency or insufficiency made by the Board of State Canvassers.
- Requires statewide proposals to be circulated on a new congressional district form.
- \*\*Adds new elements to the petition form, including a check box indicating whether the circulator is a paid circulator or volunteer and a new notice to circulators.
- Creates an optional process for the Director of Elections and BSC to draft/approve the 100-word summary at the top of the petition and bars challenges regarding the sufficiency of the summary if this voluntary process is used.
- Requires paid circulators to file an affidavit with the Secretary of State prior to circulating petitions and renders any signatures gathered by a person who fails to file the affidavit invalid.
- Assigned 2018 PA 608 with immediate effect.

**SB 1095 and SB 1127 -- City/Community College Filing Deadlines:**

- Standardizes filing deadlines for community college offices to the 15<sup>th</sup> Tuesday before the election.
- Standardizes filing deadlines for city offices to the 15<sup>th</sup> Tuesday before the Primary or Regular election date as applicable.
- Assigned 2018 PA 627 and 2018 PA 628 with immediate effect.

**SB 1238 -- Prop 18-3 Implementation:**

- There are actually five bills (SB 1238-1242), but 1238 is the main bill and the one that amends the Michigan Election Law. Two of the other bills amend the Vehicle Code and Personal Identification Card (PID) Act to reflect the new requirement to automatically

register Driver's License/PID applicants, unless they decline; the remaining bills are technical updates to statutory citations.

- Requires the Secretary of State to prescribe audit procedures and requires the Secretary of State and County Clerks to conduct audits, including an audit of results for statewide races in selected precincts.
- Requires all qualified individuals to be automatically registered to vote when performing a driver's license or personal identification card transaction at a branch office, unless the person declines.
- Changes the Secretary of State branch office and mail-in registration deadline from 30 days to 15 days before an election.
- Allows in-person voter registration to occur through election day at the individual's city or township clerk's office. During the 14 days before an election, the individual must provide proof of residency.
- Requires the Secretary of State to provide notice to individuals who register to vote in SOS branch offices, by mail, or online, in the 14 days prior to Election Day that he or she is not eligible to vote in the next election unless he or she applies in person at his or her city or township clerk's office.
- Changes the last date that an absent voter ballot can be mailed via first class mail to an elector to 5pm the Friday before the election.
- Allows a person to submit a voter registration and an absent voter application at the same time when registering to vote in person at the clerk's office through election day.
- Requires city and township clerks to be available at his or her office for any combination of at least 8 hours on the Saturday or Sunday immediately before election day to issue and receive absent voter ballots. Clerks are required to post notice and provide notice to the Secretary of State at least 30 days before the election of the hours the office will be open.
- Allows a city or township to specify additional hours and locations that the clerk will be available to issue and receive absent voter ballots. These locations must allow challengers to be present. Clerks are required to post notice and provide notice to the Secretary of State at least 30 days before the election of the additional hours and locations the office will be open when applicable.
- Assigned 2018 PA 603 with immediate effect.