



MICHIGAN
HOUSE OF REPRESENTATIVES
P.O. Box 30014
LANSING, MICHIGAN 48909-7514

MINUTES OF THE COMMITTEE
ON
ELECTIONS AND ETHICS

Wednesday, September 6, 2017 8:15 a.m. Room 308 House Office Building

The House Standing Committee on Elections and Ethics was called to order by Chairman Miller.

Chairman Miller laid the committee at ease, the time being 8:16 a.m.

Chairman Miller called the committee back to order, the time being 8:28 a.m.

Members present: Reps. Miller, Calley, Kesto, Garcia, Webber, Lilly, Guerra, Zemke, Moss.

Members absent/excused: None.

Representative Kesto moved to adopt the minutes of March 30, 2017. There being no objection, the motion prevailed by unanimous consent.

Chairman Miller laid the following bill before the committee:

HB 4892 (Chatfield) Elections; election officials; modifying the nominating petition filing deadline for candidates for city offices; authorize under certain circumstances and add certain election accountability provisions.

Mike Batterbee, representing the Secretary of State, submitted a card with a neutral position on the bill, but not wishing to speak.

Joe Rozell, Director of Elections for Oakland County, testified in opposition to the bill. Questions and discussion followed.

Representative Chatfield and Representative Kahle testified together in support of the bill. Questions and discussion followed.

Chris Hackbarth, Director of the Michigan Municipal League; Dan Swallow, City Manager for the City of Tecumseh; and Oliver Turner, City Manager for Sault Ste. Marie, testified together in support of the bill. Questions and discussion followed.

Chairman Miller invited Mike Batterbee, representing the Secretary of State, to come forward to address questions. Discussion followed.

Chairman Miller laid the committee at ease, the time being 9:18 a.m.

Chairman Miller called the committee back to order, the time being 9:19 a.m.

Chairman Miller offered the following amendments to the bill:

1. Amend page 2, line 15, by striking out "between **AND INCLUDING**" and inserting "**AFTER**".
2. Amend page 2, line 15, after "Tuesday" by striking out "and" and inserting "**BUT NO LATER THAN**".
3. Amend page 2, line 16, after the first "the" by inserting "**APPLICABLE**".
4. Amend page 5, line 12, after "**THE**" by striking out "**BUREAU OF ELECTIONS**" and inserting "**SECRETARY OF STATE**".
5. Amend page 5, line 15, after the second "**THE**" by inserting "**APPLICABLE**".
6. Amend page 5, line 15, after "**ELECTION**" by inserting "**OR THE ODD YEAR GENERAL ELECTION**".

Chairman Miller moved to adopt the amendments to the bill. The motion prevailed, the vote being 9-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Miller, Calley, Kesto, Garcia, Webber, Lilly, Guerra, Zemke, Moss.

Nays: None.

Pass: None.

Representative Garcia offered the following amendment to the bill:

1. Amend page 5, following line 16, by inserting:
"(9) A CITY THAT IS SUBJECT TO SUBSECTION (7) IS SUBJECT TO A CIVIL FINE OF \$2,500.00.
(10) BEGINNING JANUARY 1, 2018, A CITY IS SUBJECT TO A CIVIL FINE OF \$5,000.00 IF ALL OF THE FOLLOWING OCCUR:
(A) THE CITY CLERK PUBLISHES A NOMINATING PETITION FILING DEADLINE THAT IS DIFFERENT THAN THE FIFTEENTH TUESDAY BEFORE THE ODD YEAR PRIMARY ELECTION OR THE ODD YEAR GENERAL ELECTION AND THE NOMINATING PETITION FILING DEADLINE PUBLISHED BY THE CITY CLERK IS AFTER THE FIFTEENTH TUESDAY BUT NOT LATER THAN THE ELEVENTH TUESDAY BEFORE THE ODD YEAR PRIMARY ELECTION OR THE ODD YEAR GENERAL ELECTION.
(B) THE CITY CLERK DOES NOT PUBLICLY CORRECT THE FILING DEADLINE ERROR AT LEAST 2 WEEKS BEFORE THE FIFTEENTH TUESDAY BEFORE THE ODD YEAR PRIMARY ELECTION OR THE ODD YEAR GENERAL ELECTION.
(C) ONE OR MORE CANDIDATES FOR CITY OFFICES IN THAT CITY RELY UPON THE INCORRECT NOMINATING PETITION FILING DEADLINE, FAIL TO FILE NOMINATING PETITIONS BY THE FIFTEENTH TUESDAY BEFORE THE ODD YEAR PRIMARY ELECTION OR THE ODD YEAR GENERAL ELECTION, AND

FILE NOMINATING PETITIONS BY THE FILING DEADLINE PUBLISHED BY THE CITY CLERK THAT ARE DETERMINED BY THE CITY CLERK TO CONTAIN A SUFFICIENT NUMBER OF VALID SIGNATURES.

(11) A CIVIL FINE COLLECTED UNDER SUBSECTION (9) OR (10) MUST BE PAID TO THE STATE TREASURY AND CREDITED TO THE DEPARTMENT OF STATE FOR ENFORCEMENT OF THIS SECTION."

Representative Garcia moved to adopt the amendment to the bill. The motion prevailed, the vote being 8-1-0.

FAVORABLE ROLL CALL

Yeas: Reps. Miller, Calley, Kesto, Garcia, Webber, Lilly, Zemke, Moss.
Nays: Rep. Guerra.
Pass: None.

Representative Garcia moved to report out HB 4892 with recommendation, as amended, as substitute (H-1). The motion prevailed, the vote being 8-1-0.

FAVORABLE ROLL CALL

Yeas: Reps. Miller, Calley, Garcia, Webber, Lilly, Guerra, Zemke, Moss.
Nays: Rep. Kesto.
Pass: None.

There being no further business before the committee, Chairman Miller adjourned the meeting, the time being 9:27 a.m.

Representative Aaron Miller, Chair_____

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