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Senate Bills 290 and 291 (as introduced 3-24-21)  
Sponsor: Senator Rick Outman  
Committee: Elections

Date Completed: 5-12-21

### **CONTENT**

**Senate Bill 290 would amend the Michigan Election Law to do the following:**

- **Allow a political party that had a candidate on the ballot or candidate who was on a ballot to designate challengers.**
- **Require a challenger in a precinct to wear, at all times, a visible identification badge provided by the designating political party or candidate.**
- **Prescribe the information that would have to be included on a challenger's identification badge.**
- **Repeal Section 173 of the Law.**

**Senate Bill 291 would amend the sentencing guidelines in the Code of Criminal Procedure to remove the felony repealed by Senate Bill 290.**

Senate Bill 291 is tie-barred to Senate Bill 290.

Senate Bill 290 is described in greater detail below.

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, a political party that had a candidate on the ballot, or candidate whose name was on the ballot, could designate challengers.

Generally, a political party, an incorporated organization, or organized committee of interested citizens may designate not more than two challengers to serve in a precinct at any time, and not more than one challenger to serve at each counting board. A challenger may serve in more than one precinct. The political party, incorporated organization, or organized committee of interested citizens must indicate which precincts the challenger will serve when designating challengers. If more than one challenger is serving in a precinct at any one time, only one of them may initiate a challenge. The bill would remove the references to "incorporated organization" and "organized committee of interested citizens" in these provisions and replace them with "candidate".

Under the bill, at all times while serving as a challenger in a precinct, an individual would have to wear a visible identification badge provided by the political party or candidate that included all of the following:

- The words "challenger".
- The name of the challenger.
- The name of the political party or candidate that designated the challenger to serve.
- The city or township, and precinct number or numbers in that city or township, where the challenger was designed to serve.

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 168.730 (S.B. 290)  
777.11d (S.B. 291)

Legislative Analyst: Dana Adams

### **FISCAL IMPACT**

#### **Senate Bill 290**

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

#### **Senate Bill 291**

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

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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.