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SFA**BILL ANALYSIS**

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Senate Bill 980 (Substitute S-2 as reported)
Sponsor: Senator Joel D. Gougeon
Committee: Hunting, Fishing and Forestry

Date Completed: 4-6-98

RATIONALE

The Michigan Election Law, which reflects the enactment of the National Voter Registration Act of 1993, required the Governor by February 9, 1995, to provide a list to the Secretary of State designating the executive departments, State agencies, or other offices that will perform voter registration activities in the State. The list includes the Department of Labor (now within the Department of Consumer and Industry Services); the Departments of Mental Health and Public Health (now the Department of Community Health); the Department of Social Services (now the Family Independence Agency). (See **BACKGROUND** for more details.) Some people believe that establishments that sell hunting and fishing licenses or firearms also should be allowed to be designated voter registration agencies to enable eligible persons to register to vote when they apply for or renew their hunting and fishing license, or when they buy a firearm.

CONTENT

The bill would amend the Michigan Election Law to provide that the following could be designated voter registration agencies: a location where the sale of hunting and fishing licenses was authorized under the Natural Resources and Environmental Protection Act, and a location where firearms were sold to the public by a person licensed under Federal law to sell firearms.

Under the Law, a designated voter registration agency must transmit to the Secretary of State a report, which includes necessary information requested by the Secretary of State to administer the qualified voter file provisions of the Michigan Election Law and the National Voter Registration Act, and any other necessary information. The bill specifies that this provision would not apply to the designated voter registration agencies proposed by

the bill. The bill also would add that the Secretary of State could not request a report from these designated voter registration agencies.

MCL 168.509u & 168.509ee

BACKGROUND

The National Voter Registration Act of 1993 (known as the "motor voter law") provides for eligible persons to register to vote when they apply for, renew, or change the address on their driver's license or non-driver identification card. The law also provides for eligible citizens to register to vote at designated government agencies; all other departments and state agencies and offices that provide public assistance to citizens; and all other departments and state agencies and offices that provide state-funded programs that are primarily engaged in providing services to persons with disabilities. In addition, military recruitment offices must provide registration opportunities. The states also may designate with discretion the following state or local government offices: public libraries, public schools, government revenue offices, city or county clerks' offices, fishing and hunting license bureaus, unemployment compensation offices, and Federal and nongovernmental offices with their agreement.

The law provides that a designated voter registration agency must distribute voter registration application forms, offer assistance in filling out the forms, and accept and transmit completed application forms to the appropriate state election official. The law further requires that a designated voter registration agency offer a voter registration application to each individual who comes into the agency and provide a form asking if the individual would like to register to vote.

Under the Michigan Election Law, a person who processes a completed voter registration application must validate the application as required by the Secretary of State and issue a receipt to the applicant to verify acceptance. Within seven days after receiving an application, the agency must send it to the clerk of the county, city, or township where the applicant resides.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The bill would encourage people who are interested in hunting and fishing to register to vote by allowing locations where hunting and fishing licenses and firearms were sold to be designated voter registration agencies. Under the bill, however, these designated voter registration agencies would not be responsible for submitting reports to the Secretary of State.

Response: Currently, any individual, office, or establishment (such as a church) may provide voter registration applications to the public without becoming a designated voter registration agency. The applications can be obtained by a request to the Secretary of State. The individual, office, or establishment also may accept applications and forward them to the applicants' county or city election office.

Opposing Argument

The bill would violate the National Voter Registration Act of 1993 by establishing locations where hunting and fishing licenses and firearms are sold as designated voter registration agencies. The Act requires the designation of public assistance offices, offices that provide state-funded programs for persons with disabilities, and military recruiting offices. The Act also requires states to designate other offices, and specifies that they may include state or local governmental offices such as public libraries, public schools, government revenue offices, city or county clerks' offices, hunting and fishing license bureaus, and unemployment compensation offices, as well as Federal and nongovernmental offices (with their agreement). Michigan is unique in that nongovernmental, private establishments can issue hunting and fishing licenses; these are not the same as the state or local government hunting and fishing license bureaus addressed in the Act.

Response: The Act also provides that nongovernmental offices may be designated, with their permission.

Opposing Argument

The bill would exempt designated voter registration agencies that issue hunting and fishing licenses and sell firearms from having to submit a report to the Secretary of State. The bill, however, would *not* exempt these locations from the responsibilities prescribed for designated voter registration agencies under the National Voter Registration Act of 1993 and the Michigan Election Law. These responsibilities include distributing voter registration applications, providing assistance in completing the form, and accepting and transmitting completed application forms. A person who processes an application is required to validate it as required by the Secretary of State and issue a receipt to the applicant to verify acceptance. The agencies also are required to forward the completed application forms to the applicants' county, city or township election office. In addition, the agencies must offer every customer the voter registration application form and a form asking if the customer wishes to register to vote.

Legislative Analyst: N. Nagata

FISCAL IMPACT

Because the number of people who may register to vote at a place where firearms and hunting and fishing licenses are sold is unknown, the fiscal impact on State government is indeterminate.

There would not be any additional administrative costs to local government by making places where hunting and fishing licenses or firearms are sold voter registration sites.

Fiscal Analyst: E. Limbs

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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.