

Legislative Analysis



BOARD OF STATE CANVASSERS

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Senate Bill 973

Sponsor: Sen. Bev Hammerstrom

Senate Bill 975

Sponsor: Sen. Michael D. Bishop

Senate Bill 974

Sponsor: Sen. Wayne Kuipers

Senate Bill 976

Sponsor: Sen. Alan L. Cropsey

House Committee: House Oversight, Elections, and Ethics

Senate Committee: Government Operations

Complete to 3-27-06

A SUMMARY OF SENATE BILLS 973 - 976 AS PASSED BY THE SENATE 3-23-06

The bills would amend the Michigan Election Law **to transfer from the Board of State Canvassers to the State Director of Elections responsibilities for canvassing petitions to determine the validity and sufficiency of signatures, for performing other constitutional duties concerning ballot petitions, and holding hearings on complaints or to investigate signatures.** The bills also would delete requirements for the board to approve ballot statements prepared by the elections director.

The bills are tie-barred to each other and to House Bills 5648, 5649, and 5650 (which also shift election canvassing responsibilities from the Board of State Canvassers to the State Director of Elections, and which have passed the House).

Senate Bill 973. The Election Law (MCL 168.32) requires the elections director, *with the approval of the Board of State Canvassers*, to prepare a statement for the ballot of any proposed amendment or question to be submitted to the voters under Article XII, Section 2 of the State Constitution (which establishes the right of the voters to propose constitutional amendments by initiative petition). The bill would delete the requirement for approval by the Board of State Canvassers.

Senate Bill 974. The bill would specify that certain phrases found in the State Constitution that currently are intended to refer to the Board of State Canvassers would instead refer to the State Director of Elections. These are the constitutional provisions regarding the power of the people to enact laws ("initiative") or to approve or reject laws ("referendum") and the right of the voters to propose constitutional amendments by petition. As a result, the bill would require the elections director, rather than the board, to exercise the duties prescribed in the constitutional provisions.

The bill also would delete the reference to the board's approval of the statement for the ballot (as referred to in Senate Bill 973).

Senate Bill 975. The bill would amend the Election Law (MCL 168.474a) to require the State Director of Elections, rather than the Board of State Canvassers, to assign a number designation to appear on the ballot for each question to be submitted on a statewide basis.

Senate Bill 976. Under the Election Law (MCL 168.476), when the Secretary of State receives petitions for a statewide vote under Article II, Section 9, or Article XII, Section 2 of the Constitution, he or she is required to notify the Board of State Canvassers. Upon receiving the notification, the board must canvass the petitions to determine whether they have been signed by the requisite number of qualified and registered voters. If the board cannot verify the genuineness of a petition signature using the digitized signature contained in the qualified voter file, the board may have the signature checked against the registration records of the clerk of a political subdivision where the petitions were circulated. The clerk is required to cooperate fully with the board.

Under the bill, the State Director of Elections would have to canvass the petitions and could check doubtful signatures against local registration records, and the clerk of a political subdivision would have to cooperate with the elections director.

The Election Law authorizes the Board of State Canvassers to hold hearings upon any complaints filed or for any purpose considered necessary by the board to investigate the petitions. To conduct a hearing, the board may issue subpoenas and administer oaths. The bill would transfer to the State Director of Elections the authority to hold hearings. The elections director also could issue subpoenas and administer oaths with the approval of the board.

Currently, at least two business days before the Board of State Canvassers meets to make a final determination on challenges to and the sufficiency of a petition, the Elections Bureau must make public its staff report concerning the disposition of challenges filed against the petition. Beginning with the receipt of any document from local election officials (to authenticate signatures or verify registrations), the board must make that document available to petitioners and challengers on a daily basis. The bill would refer in these provisions to the State Director of Elections, rather than the board.

FISCAL IMPACT:

The bills would have a minimal impact on state government and no impact on local units of government. Members of the Board of State Canvassers are entitled to a per diem of \$75 and expenses, which totaled \$5,851.50 in FY 2004-05.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.