

Legislative Analysis



TIMELINE FOR CONSIDERATION OF INITIATIVE PETITIONS

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Senate Bill 280 (S-1) as passed by the Senate
Sponsor: Sen. Ruth A. Johnson
House Committee: [Placed on second reading]
Senate Committee: Elections
Complete to 10-5-21

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

Senate Bill 280 would amend the Michigan Election Law to specify the timing for initiative petitions to be reviewed and approved by the secretary of state (SOS) and sent to the legislature, if applicable.

Currently, initiative petitions under section 9 of Article II of the state constitution must be filed with the SOS at least 160 days before the election at which the proposed law would appear on the ballot. (The initiative petition is also sent to the legislature upon approval by the SOS. The legislature either enacts the initiative without amendment or rejects it. If the legislature rejects it, it is placed on the ballot for the people to approve or reject at the next general election. The legislature also may reject the initiative and propose an alternative measure to be included on the ballot alongside the initiative at the next general election.)

The bill would provide that, generally, the board of state canvassers must complete the canvass of an initiative petition within 100 days of its filing with the SOS. Moreover, if an initiative petition were filed with the SOS at least 160 days before a general November election, the board of state canvassers would have to complete the canvass at least 100 days before the election. (Effectively, this could mean that they would have 60 days to complete the canvass in these instances.)

If the petition were deemed sufficient, it would have to be immediately forwarded to the legislature for consideration as described above.

MCL 168.471 and 168.477

FISCAL IMPACT:

Senate Bill 280 would likely not have a fiscal impact on the state or local units of government. However, it is possible that the bill could result in increased FTE costs for the Department of State if, under certain circumstances, the department found it may not be able to complete its ongoing election administration responsibilities and comply with the bill's canvassing time requirements with its existing election bureau staff and would need to hire additional temporary or ongoing staff members.

Data from the department on 19 petitions submitted between 2012 and 2018 show that petitions submitted outside of the months of November and December took an average of 54.2 days to canvass, while petitions reviewed during the months of November and December took a much

longer average of 162.7 days to canvass, for a total average of 71.3 days. Under the bill, the department would be required to complete the canvassing of an initiative petition no later than 100 days before a November general election if it were submitted at least 160 days before that election, or 60 days. The data mentioned above suggest that the department could complete the canvassing of these initiative petitions as required by the bill with current staffing levels supported with ongoing baseline funding. However, given the limited sample size of the data regarding filing dates and given that canvassing of some petitions exceeded 60 days, the bill would possibly still require additional personnel resources to meet the time requirement.

Legislative Analyst: Jenny McInerney
Fiscal Analyst: Michael Cnossen

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