

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 312 (Substitute S-1 as passed by the Senate)
Sponsor: Senator Bev Hammerstrom
Committee: Government Operations

Date Completed: 3-4-99

RATIONALE

Public Act 441 of 1994 amended the Michigan Election Law to incorporate (in part) the provisions of, and put the State in compliance with, the Federal National Voter Registration Act of 1993 (NVRA). The NVRA, commonly known as the motor/voter law, requires the states to comply with its voter registration requirements for Federal elections. This means that a state either had to conform state law to the NVRA or maintain two voter registration systems (one for Federal elections and one for all other elections).

Under the NVRA, each state must establish procedures to register voters: 1) by application made simultaneously with an application for a driver's license; 2) by mail application; and 3) by application in person at designated sites and designated government or nongovernment offices. Each state is required to designate voter registration agencies, which must include all offices that provide public assistance, all offices that provide state-funded programs to persons with disabilities, and other offices. A voter registration agency that is an office that provides assistance or service in addition to conducting voter registration must provide to its clients a form that, among other things, includes the following question: "If you are not registered to vote where you live now, would you like to apply to register to vote here today?" It has been pointed out that this requirement sometimes results in asking the question to persons who are not U.S. citizens, and who are therefore ineligible to vote. It has been suggested that agencies that register voters should not offer a noncitizen an opportunity to register, if the person has submitted a document stating that he or she is not a citizen.

CONTENT

The bill would amend the Michigan Election Law to prohibit the Secretary of State, a Secretary of State agent, or a designated voter registration agency from offering a person the opportunity to register to vote, if the person had submitted to the Secretary of State or agency a written document stating that the

applicant was not a U.S. citizen.

MCL 168.509o

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

Because of the requirements of the NVRA, certain designated State agencies must ask clients who apply for their services if the clients wish to register to vote. This has resulted in some noncitizens' being asked, sometimes repeatedly, if they would like to register to vote. Since noncitizens are not eligible to vote, this raises two problems. First, it creates needless paperwork for workers in those offices that include voter registration services. Second, it may result in the registration of noncitizens, particularly in those cases in which clients applying for services or assistance do not understand the process, and simply sign all the forms put in front of them, including a form that asks if they want to register to vote. The director of the Bureau of Elections has testified that while his office knows of no instance in which a noncitizen actually has voted, in rare instances some have inadvertently been registered. In addition to the problems registration of a noncitizen may cause election clerks, the noncitizen unknowingly may place himself or herself in danger because registration by a noncitizen may become an issue in a deportation hearing. Under the bill, if someone submitted a written document (such as an application for benefits) indicating that he or she was not a U.S. citizen, a voter registration agency could not offer that person an opportunity to register. This would reduce the chances that a noncitizen could be registered to vote and relieve an administrative burden.

Legislative Analyst: G. Towne

FISCAL IMPACT

The bill would have no fiscal impact on State or local

government.

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.