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BILL ANALYSIS

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Senate Bills 973 through 976 (as reported without amendment)

Sponsor: Senator Bev Hammerstrom (S.B. 973)

Senator Wayne Kuipers (S.B. 974)

Senator Michael D. Bishop (S.B. 975)

Senator Alan L. Cropsey (S.B. 976)

Committee: Government Operations

CONTENT

The bills would amend the Michigan Election Law to transfer from the Board of State Canvassers to the State Elections Director responsibilities related to certifying petitions for statewide ballot questions. 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 three bills that have not yet been introduced.

Senate Bill 973 would delete a requirement that the Board of State Canvassers approve 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 petition). As currently required, the statement would have to be prepared by the State Elections Director.

Senate Bill 974 provides that the phrases "the state officer authorized by law" and "the person authorized by law", as used in Article II, Section 9, and Article XII, Section 2 of the State Constitution, would mean the State Elections Director, rather than the Board of State Canvassers. (Article II, Section 9 provides for the power of the people to propose and enact laws, and to approve or reject laws enacted by the Legislature.) Under the bill, the Elections Director, rather than the Board, would have to exercise the duties prescribed in those constitutional provisions.

The bill also would delete a requirement that the Board approve a statement of purpose of any proposed amendment or question to be designated on the ballot for submission to the electors. Such a statement must be prepared by the Elections Director.

Senate Bill 975 would require the Elections Director, rather than the Board, to assign a number designation to appear on the ballot for each question to be submitted on a statewide basis.

Senate Bill 976 would require the Elections Director, rather than the Board, to canvass petitions submitted under Article II, Section 9, or Article XII, Section 2 of the Constitution, to determine whether they have been signed by the requisite number of qualified and registered voters.

Currently, the Board may hold hearings upon any complaints filed or for any purpose considered necessary to investigate the petitions. To conduct a hearing, the Board may issue subpoenas and administer oaths. The bill would transfer to the Elections Director the

authority to hold hearings. With the Board's approval, the Director could issue subpoenas and administer oaths.

MCL 168.32 (S.B. 973)
168.474 (S.B. 974)
168.474a (S.B. 975)
168.476 (S.B. 976)

Legislative Analyst: Suzanne Lowe

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 necessary expenses and receive a per diem of \$75.

In FY 2004-05, \$5,851.50 was spent on per diems and expenses. To the extent that the bills would reduce the number of meetings, minimal savings would occur.

Date Completed: 2-2-06

Fiscal Analyst: Bill Bowerman

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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.