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BILL ANALYSIS

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Senate Bills 1350, 1351, and 1352 (as introduced 6-29-06)
Sponsor: Senator Alan L. Cropsey
Committee: Judiciary

Date Completed: 9-11-06

CONTENT

The bills would amend the Michigan Election Law to do all of the following:

- Require the Bureau of Elections, on behalf of the Board of State Canvassers, to canvass initiative and referendum petitions and nominating petitions.**
- Require the Director of Elections to make a recommendation to the Board regarding the sufficiency of initiative or referendum petitions and nominating petitions.**
- Specify that the Director's recommendation would be considered approved by the Board unless it were disapproved by a majority vote of the Board.**

The bills are described below.

Senate Bill 1350

Under Chapter XXII (Initiative and Referendum) of the Election Law, upon receiving notification of the filing of initiative or referendum petitions, the Board of State Canvassers must canvass the petitions to ascertain whether they have been signed by the requisite number of qualified and registered electors. Under the bill, the Bureau of Elections would have to canvass the petitions for that purpose, on behalf of the Board.

Currently, if the Board is unable to verify the genuineness of a signature on a petition using the digitized signature contained in the qualified voter file (QVF), the Board may cause any doubtful signatures to be checked against the registration records by the clerk of any political subdivision in which the petitions were circulated, to determine the authenticity of the signatures or to verify the registrations. Upon request, the clerk of any political subdivision must cooperate fully with the Board in determining the validity of doubtful signatures by rechecking them against registration records in an expeditious and proper manner. Under the bill, the Board *or* the Bureau could cause doubtful signatures to be checked if either were unable to verify the genuineness of signatures, and local clerks would have to cooperate with either the Board or the Bureau.

Under the bill, based on the results of a canvass and the disposition of any challenges filed against an initiative or referendum petition, the Director of Elections would have to make a recommendation to the Board concerning the sufficiency or insufficiency of the petition. The Director's recommendation would have to be considered approved by the Board unless the recommendation were disapproved by a majority vote of the members appointed to and serving on the Board.

Senate Bill 1351

Under Chapter XXIV (Primary Elections) of the Election Law, when nominating petitions are filed with the Secretary of State, the Secretary of State must notify the Board of State Canvassers within five days after the last day for filing the petitions. Upon receiving candidate nominating petitions, the Board must canvass the petitions to ascertain if they have been signed by the requisite number of qualified and registered electors. Under the bill, the Bureau of Elections would have to canvass the petitions for that purpose, on behalf of the Board.

Currently, for the purpose of determining the validity of the signatures, the Board may cause a doubtful signature to be checked against the QVF or the registration records by the clerk of a political subdivision in which the petitions were circulated. The Board must verify the registration or the genuineness of a signature. If the Board is unable to verify the genuineness of a signature on a petition, the Board must forward the petition to the proper city or township clerk to compare the signatures on the petition with those on the registration record or in some other manner determine whether the petition signatures are valid and genuine. After receiving a request from the Board, the clerk must cooperate fully in determining the validity of doubtful signatures by rechecking them against registration records in an expeditious and proper manner. Under the bill, either the Board or the Bureau would be responsible for these functions.

In addition, the Board may hold a hearing upon a complaint filed or for a purpose considered necessary by the Board, to conduct an investigation of the petitions. The Board must complete the canvass at least nine weeks before the primary election at which candidates are to be nominated. Before making a final determination, the Board may consider any deficiency found on the face of a petition that does not require verification against data maintained in the QVF or in the voter registration files maintained by a city or township clerk. The bill would allow the Board or the Bureau to consider such a deficiency.

Under the bill, based on the results of a canvass and the disposition of any challenges filed against a petition, the Director of Elections would have to make a recommendation to the Board concerning the sufficiency or insufficiency of the nominating petition. The Director's recommendation would have to be considered approved by the Board unless the recommendation were disapproved by a majority vote of the members appointed to and serving on the Board.

Senate Bill 1352

Under Chapter XXIVA (Candidates Without Political Party Affiliation) of the Election Law, the Board of State Canvassers must canvass a qualifying petition filed with the Secretary of State. ("Qualifying petition" means a nominating petition required of and filed by a person to qualify to appear on an election ballot as a candidate for office without political party affiliation.) The bill would require the Bureau of Elections, on behalf of the Board, to canvass a qualifying petition filed with the Secretary of State.

Under the bill, based on the results of a canvass and the disposition of any challenges filed against a petition, the Director of Elections would have to make a recommendation to the Board concerning the sufficiency or insufficiency of the qualifying petition. The Director's recommendation would have to be considered approved by the Board unless the recommendation were disapproved by a majority vote of the members appointed to and serving on the Board.

MCL 168.476 (S.B. 1350)
168.552 (S.B. 1351)
168.590f (S.B. 1352)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have a minimal fiscal impact on State government. Currently, members of the Board of State Canvassers are entitled to a per diem of \$75. To the extent that the number of Board meetings decreased as a result of the proposed legislation, per diem expenses could be reduced and result in minimal savings to the State.

The bills would have no fiscal impact on local government.

Fiscal Analyst: Joe Carrasco

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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.