



Senate Fiscal Agency
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Senate Bill 570 (as enacted)
Sponsor: Senator Mallory McMorrow
Senate Committee: Elections and Ethics
House Committee: Elections (discharged)

PUBLIC ACT 254 of 2023

Date Completed: 12-6-23

RATIONALE

In July 2022, Promote the Vote, a coalition of Michigan organizations active in elections, circulated a petition proposing several constitutional amendments concerning voting rights. Among other amendments, the petition included a provision prohibiting an officer or member of the governing board of a national, State, or local political party, and a political party precinct delegate, from having any role in an election audit.¹ Promote the Vote's efforts became Proposal 22-2, which passed with 59.99% of the vote during the 2022 November general election;² however, under Michigan Election Law, nominees to the position of county clerk automatically become a part of their political party's county executive committee.³ Because current Law contradicts the Constitution, it was suggested that the Law be amended.

CONTENT

The bill amends the Michigan Election Law to prohibit a county clerk from conducting an election audit if the clerk serves as an officer, member, or precinct delegate of a political party. Instead, the clerk will have to appoint a designee.

After each election, the Secretary of State (SOS) may audit election precincts. The Law requires the SOS and county clerks to conduct these election audits as prescribed; however, the bill prohibits a county clerk from having any role in the direction, supervision, or conduct of an election audit if that clerk is an officer or member of the governing body of a national, State, or local political party, or is a precinct delegate of a political party. Instead, the county clerk will have to appoint a designee to conduct any election audit in that county. A designee may not be an officer, member, or precinct delegate of the governing body of a national, State, or local political party.

The bill will take effect February 13, 2024.

MCL 168.31a

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

The bill will provide county clerks flexibility in deciding how to comply with the Constitution. Instead of banning clerks from serving as members of a political party's county executive committee, it gives clerks two options. If a clerk decides the clerk's participation in an audit

¹ "November 2022 Ballot Proposal 22-2," Senate Fiscal Agency.

² "2022 Michigan Election results," Elections, Michigan Department of State. Retrieved on 4- 11-23.

³ See MCL 168.599.

is more important than the clerk's role on the party committee, the clerk may voluntarily resign from the committee and conduct the audit. If a clerk wishes to continue acting as a member of a party's county executive committee, the clerk may continue to do so and appoint a designee to conduct an election audit. The bill will align State law with the Constitution but give county clerks options.

Opposing Argument

Prohibiting a clerk from serving in a leadership position in the clerk's political party may infringe upon the clerk's rights. According to testimony before the Senate Committee on Elections and Ethics, clerks may want to participate in county politics and serve in the roles for which they were elected. They should not have to sacrifice either duty. Ultimately, the courts should decide how clerks can comply with this tenant of Proposal 22-2, not the Legislature.

Legislative Analyst: Abby Schneider

FISCAL IMPACT

The bill will have no fiscal impact on State or local government.

Fiscal Analyst: Joe Carrasco, Jr.
Bobby Canell

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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.