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BILL ANALYSIS

Senate Fiscal Agency

Lansing, Michigan 48909

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Senate Bill 628 (as passed by the Senate)
Sponsor: Senator Doug Carl
Committee: Local Government and Veterans

Date Completed: 1-9-90

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RATIONALE

The Michigan Election Law requires absent voter ballots to be delivered to local clerks by county clerks at least 42 days before the November general election. According to officials from the Department of State, election officials have had an increasingly difficult time meeting this requirement. One result of the chronic lateness of absentee ballots, reportedly, is that Michigan has been criticized by the U.S. Department of Defense's Federal Voting Assistance Program because of the problems faced by Michigan voters serving overseas in the armed forces. Furthermore, it is reported that the U.S. Department of Justice sued the State in 1988 because Michigan's election law requires that absent voter ballots be delivered to counties only 22 days before primary elections, which the Departments of Justice and Defense considered insufficient time to allow overseas voters to receive their ballots and return them by election day. As a result, the State was ordered to count absentee ballots for 10 days after the August 1988 primary election in order for those ballots to be included in the election totals. In light of these concerns, some people believe that a number of deadlines, including those set for the filing of nominating petitions for community college board of trustees members, need to be changed if absent voter ballots are to be available on time for both the November general election and the preceding August primary.

CONTENT

The bill would amend the Community Colleges Act to require nominating petitions of candidates for the board of trustees of a community college to be

filed earlier than is currently provided in the Act. Currently, in community college districts composed of counties, nominating petitions must be filed no later than the 60th day before the date of an election. The bill would require that the nominating petitions be filed no later than the 110th day before an election. For community college districts composed of school districts or intermediate school districts, nominating petitions must be filed by the seventh Tuesday before an election; the bill would require filing by the ninth Monday prior to an election. Currently, in a community college district with a population of more than 1.5 million, nominating petitions must be filed by the ninth Tuesday before the primary election. The bill would require petitions to be filed by the 12th Tuesday.

The bill would not take effect unless Senate Bill 600 or House Bill 4974 were enacted. Those bills would amend the Michigan Election Law to make various changes in deadlines for the filing of nominating petitions and for the delivery of absent voter ballots.

MCL 389.83 and 389.152

FISCAL IMPACT

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

ARGUMENTS**Supporting Argument**

The State has been criticized by the Federal government because of the State's inability to meet absent voter ballot deadlines. Some

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Michigan voters living overseas who are in the military, in the diplomatic service, in business, or in school have had difficulty in applying for, receiving, and returning their absentee ballots due to existing time constraints. Because of this situation, the State should revamp its various candidate filing deadlines, including those for the filing of nominating petitions for community college board of trustees members.

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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.