



SENATE BILL No. 588

April 28, 1993, Introduced by Senator DI NELLO and referred to the Committee on Government Operations.

A bill to amend sections 1, 4, and 5 of Act No. 239 of the Public Acts of 1955, entitled

"An act to create a board of state canvassers, and to prescribe its powers and duties; and to transfer the powers and duties of the bureau of elections thereto,"

section 4 as amended by Act No. 59 of the Public Acts of 1982, being sections 200.301, 200.304, and 200.305 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1, 4, and 5 of Act No. 239 of the
2 Public Acts of 1955, section 4 as amended by Act No. 59 of the
3 Public Acts of 1982, being sections 200.301, 200.304, and 200.305
4 of the Michigan Compiled Laws, are amended to read as follows:

5 Sec. 1. (1) A board of state canvassers as provided in
6 section 7 of article ~~2~~ II of the state constitution OF 1963 is
7 ~~hereby~~ established. ~~Such~~ THE board OF STATE CANVASSERS shall

1 determine the result of all elections for governor, lieutenant
 2 governor, state officers, and ~~such~~ other officers ~~as shall~~
 3 THAT ARE by law ~~be~~ referred to ~~them, and~~ THE BOARD. THE
 4 BOARD OF STATE CANVASSERS shall perform ~~such~~ other duties ~~as~~
 5 THAT are ~~or may hereafter be~~ prescribed by law. ~~Such~~

6 (2) BEGINNING JANUARY 1, 1995, THE board OF STATE CANVASSERS
 7 shall consist of ~~4~~ 5 members appointed by the governor by and
 8 with the advice and consent of the senate. ~~Two~~ THREE members
 9 shall be appointed from ~~each of~~ the ~~2~~ political ~~parties~~
 10 ~~existing~~ PARTY OF THE GOVERNOR. TWO MEMBERS SHALL BE APPOINTED
 11 FROM THE POLITICAL PARTY, OTHER THAN THE POLITICAL PARTY OF THE
 12 GOVERNOR, THAT RECEIVED the greatest number of votes for secre-
 13 tary of state ~~for each~~ AT THE IMMEDIATELY PRECEDING general
 14 November election. ~~Such~~ THESE 2 POLITICAL parties are desig-
 15 nated as the major political parties for purposes of this act.
 16 ~~The state central committee of each of such parties shall, not~~
 17 ~~later than the fifth day following the effective date of this act~~
 18 ~~and not later than the tenth day of January in the year 1957 and~~
 19 ~~the tenth day of January in each odd numbered year thereafter,~~
 20 ~~submit to the governor the names of 3 persons for each position~~
 21 ~~to which such party is entitled and the governor shall, within 10~~
 22 ~~days after such names shall have been submitted to him, appoint~~
 23 ~~to each such position 1 of the 3 persons so nominated for that~~
 24 ~~position.~~

25 Sec. 4. (1) The board of state canvassers shall meet as
 26 necessary to transact its business. The business ~~which~~ THAT
 27 the board of state canvassers performs shall be conducted at a

1 public meeting of the board held in compliance with this section
2 and THE OPEN MEETINGS ACT, Act No. 267 of the Public Acts of
3 1976, as amended, being sections 15.261 to 15.275 of the Michigan
4 Compiled Laws. Public notice of the time, date, and place of the
5 meeting shall be given as required by Act No. 267 of the Public
6 Acts of 1976, as amended, and subsections (3) and (4). In
7 February of each odd numbered year, the board OF STATE CANVASSERS
8 shall elect a chairperson and vice-chairperson from its members.
9 Three members ~~will~~ constitute a quorum OF THE BOARD OF STATE
10 CANVASSERS but an action shall not become effective unless at
11 least 1 member appointed from each major political party concurs
12 in the action.

13 (2) The board of state canvassers shall hold a public meet-
14 ing as required under subsection (1) for considering and approv-
15 ing a statement of the purpose of a proposed constitutional
16 amendment, question, or proposal prepared pursuant to section 32
17 or ~~section~~ 474 of THE MICHIGAN ELECTION LAW, Act No. 116 of the
18 Public Acts of 1954, as amended, being sections 168.32 and
19 168.474 of the Michigan Compiled Laws.

20 (3) The board of state canvassers shall give not less than 3
21 full business days' notice ~~which~~ THAT meets the requirements of
22 Act No. 267 of the Public Acts of 1976, as amended, ~~except~~
23 ~~section 5(4) of that act,~~ for a meeting held pursuant to
24 subsection (2).

25 (4) ~~Notice~~ THE BOARD OF STATE CANVASSERS SHALL GIVE NOTICE
26 as prescribed under subsection (3) ~~shall also be given~~ to all
27 of the following:

1 (a) The legally or generally recognized sponsor of the
2 constitutional amendment, question, or proposal, if any.

3 (b) The legislative sponsor of the constitutional amendment,
4 question, or proposal, if any.

5 (c) The senate majority leader.

6 (d) The speaker of the house of representatives.

7 (e) The minority leaders of the house of representatives and
8 senate.

9 (f) All remaining legislators.

10 (5) The board of state canvassers shall publicly request and
11 allow a person described in subsection (4)(a) or (b), or a repre-
12 sentative of that person, to address a meeting held pursuant to
13 subsection (2).

14 Sec. 5. ~~Whenever~~ THE GOVERNOR SHALL APPOINT BY AND WITH
15 THE ADVICE AND CONSENT OF THE SENATE A PERSON TO FILL a vacancy
16 ~~shall occur~~ OCCURRING in the membership of the board OF STATE
17 CANVASSERS, other than a vacancy caused by the expiration of a
18 term. ~~, the state central committee of the party entitled to~~
19 ~~fill the vacancy shall, within 10 days after such vacancy shall~~
20 ~~occur, nominate 3 persons for such vacancy and submit such list~~
21 ~~of nominees to the governor, and the governor shall appoint by~~
22 ~~and with the advice and consent of the senate 1 of the persons so~~
23 ~~nominated, within 30 days from the time such vacancy shall have~~
24 ~~occurred, to serve the balance of the unexpired term.~~ THE GOVER-
25 NOR SHALL APPOINT THE PERSON TO FILL THE VACANCY WITHIN 30 DAYS
26 FROM THE DATE OF THE VACANCY AND SHALL APPOINT A PERSON FROM THE

1 SAME POLITICAL PARTY OF THE PREVIOUS MEMBER OF THE BOARD OF STATE
2 CANVASSERS.

3 Section 2. This amendatory act shall not take effect unless
4 Senate Joint Resolution L
5 of the 87th Legislature becomes a part of
6 the state constitution of 1963 as provided in section 1 of arti-
7 cle XII of the state constitution of 1963.