

Legislative Analysis



BOARD OF STATE CANVASSERS

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House Bill 5648

Sponsor: Rep. Tonya Schuitmaker

House Bill 5649

Sponsor: Rep. Barb Vander Veen

House Bill 5650

Sponsor: Rep. Chris Ward

Committee: House Oversight, Elections, and Ethics

Complete to 2-28-06

A SUMMARY OF HOUSE BILLS 5648 - 5650 AS INTRODUCED 2-8-06

These bills would amend three sections of the Michigan Election Law to revise the duties of the Board of State Canvassers concerning ballot question petitions, and include a court review of a determination made by the State Director of Elections. The bills are tie-barred to each other so that none could go into effect without the others also being enacted.

[In addition, the bills are tie-barred to Senate Bills 973, 974, 975, and 976 so that those bills, too, would have to be enacted in order for these bills to go into effect. The Senate bills amend the Michigan Election Law **to transfer from the Board of State Canvassers to the State Elections Director responsibilities for canvassing petitions to determine the validity and sufficiency of signatures, for performing other constitutional duties concerning ballot petitions, as well as for holding hearings on complaints or to investigate signatures.**] A brief description of each House bill follows.

House Bill 5648 would amend the Michigan Election Law (MCL 168.478) to require the State Director of Elections to send a notice of approval or rejection to a person filing a petition, if such a notice had been requested at the time of filing. Currently under the law, this responsibility rests with the Board of State Canvassers.

House Bill 5649 would amend the Michigan Election Law (MCL 168.479) to specify that a person who feels aggrieved by a determination made by the Board of State Canvassers or the State Director of Elections may seek an appropriate remedy in the Supreme Court. Currently the law specifies this right of action when a person feels aggrieved by a determination made by the Board of State Canvassers.

House Bill 5650 would amend the Michigan Election Law (MCL 168.477) to require that the State Director of Elections make an official declaration of the sufficiency or insufficiency of a petition at least two months before the election at which the proposal is to be submitted. Currently under the law, this is a responsibility of the Board of State Canvassers. Further, the bill would require that the State Director of Elections declare a petition sufficient unless he or she determined that the petition was not in proper form, or that the number of valid signature was less than the minimum number required. In

determining the sufficiency of the form of the petition, the State Director of Elections would be prohibited from considering the substance of the proposal affixed to the petition.

Currently the Board of State Canvassers declares when a petition or a referendum petition is sufficient. Under House Bill 5650 these responsibilities would be those of the State Director of Elections.

FISCAL IMPACT:

A fiscal analysis is in process.

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Fiscal Analyst: Robin Risko

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.