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BILL



ANALYSIS

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Senate Bill 197 (as introduced 3-16-15)
Sponsor: Senator Dave Hildenbrand
Committee: Elections and Government Reform

Date Completed: 9-23-15

CONTENT

The bill would amend the Michigan Election Law to provide for presidential electors to be allocated to a political party based on the percentage of popular votes for United States President that the party's candidate received; and provide that the candidates for presidential electors who would be considered elected would be those selected by each political party based on that allocation.

The bill is tie-barred to Senate Bill 88, which would enact the "Interstate Compact to Elect the President by National Popular Vote". The provisions of Senate Bill 197 would not apply in any year in which that Compact governed the appointment of presidential electors in this State.

(Presidential electors are individuals chosen in each state to elect the President and Vice President of the United States. Article 2, Section 1 of the U.S. Constitution requires each state to appoint, in the manner decided by its legislature, a number of electors equal to the whole number of United States Senators and Representatives to which the state is entitled.)

The Michigan Election Law requires presidential electors to be elected at the general November election held every fourth year, unless Congress sets a different day. In the year in which presidential electors are to be elected, each political party must choose at its fall convention a number of candidates for presidential electors equal to the number of members of Congress that Michigan is entitled to elect. The chairperson and the secretary of the state central committee of each political party must mail to the Secretary of State a certificate containing the names of the candidates for electors.

The bill would require presidential electors to be allocated as follows: The number of presidential electors allocated to the political party of the candidate receiving the most statewide popular votes for U.S. President would have to be calculated by multiplying the total number of presidential electors Michigan is entitled to elect by the percentage of statewide popular votes for U.S. President that the party's candidate received. If the number of presidential electors allowed under this provision were not a whole number, then a fractional number of 0.5 or greater would have to be rounded up to the nearest whole number and a fractional number of less than 0.5 would have to be rounded down to the nearest whole number.

The remaining number of presidential electors that Michigan is entitled to elect who were not allocated as described above would have to be allocated to the political party of the candidate receiving the second-most statewide popular votes for U.S. President.

Currently, the candidates for presidential electors who must be considered elected are those whose names have been certified to the Secretary of State by the political party receiving the greatest number of votes for those offices at the next November election. The bill would delete this provision.

Under the bill, the candidates for presidential electors who would be considered elected would be those whose names had been certified to the Secretary of State and who had been selected by each political party based on the proposed allocation of presidential electors.

The bill would take effect 90 days after enactment.

MCL 168.42

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

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

Fiscal Analyst: Joe Carrasco