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SFA**BILL ANALYSIS**

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House Bill 5054 (Substitute H-1 as passed by the House)
Sponsor: Representative Mickey Mortimer
House Committee: Constitutional Law and Ethics
Senate Committee: Government Operations

Date Completed: 12-2-99

CONTENT

The bill would amend the Michigan Election Law to do the following:

- Prohibit the legislative body of a city, village, or township from establishing, moving, or abolishing a polling place less than 60 days before an election unless necessary because a polling place had been damaged, destroyed, or rendered inaccessible or unusable as a polling place.
- Revise the deadline for reporting the names of nominees to the Secretary of State, generally by referring to "1 business day" rather than "24 hours" after a convention.
- Revise the deadline for a nominee to file notice of withdrawal.
- Require counties, townships, cities, and villages to give their clerks a permanent postal mailing address, require counties to give their clerks an electronic mailing address, and require the clerks to notify the Secretary of State.
- Revise provisions concerning a recount for the office of Representative in Congress, State Senator, or State Representative.
- Require the Secretary of State to report every two years to the Legislature on the Qualified Voter File.
- Repeal a section requiring the Secretary of State to convene an advisory committee to review Michigan's voter registration system each odd-numbered year.

Deadlines

Currently, the Election Law requires notice to the Secretary of State, within 24 hours after a the conclusion of a State convention or county caucus, of the names of candidates or nominees selected at the convention or caucus. The bill would require notice to the Secretary of State within one business day after the conclusion of the convention or caucus. The bill would define "business day" or "secular day" as "a day that is not a Saturday, Sunday, or legal holiday".

(This reporting requirement applies to the State convention prior to any general election, and fall State conventions at which candidates or nominees are selected for the office of President and Vice-President of the United States, Lieutenant Governor, Secretary of State, Attorney General, justice of the Michigan Supreme Court, and membership on the State Board of Education, the board of regents of the University of Michigan, the board of trustees of Michigan State University, and the board of governors of Wayne State University. The reporting requirement also applies to candidates nominated at county caucuses for the office of Representative in Congress, State Senator, State Representative, and county and township offices.)

In addition, a person who has been nominated may withdraw by filing a written notice of withdrawal with the Secretary of State by 4 p.m. of the third day following the convention or caucus. The bill would change this deadline to 4 p.m. of the fourth business day after the convention. (This applies to persons nominated for the office of Lieutenant Governor, Secretary of State, Attorney General, State Board of Education, university board, and justice of the Supreme Court.)

The Law also provides that, in cases in which candidates for judicial office are nominated by political party conventions, the chairperson and secretary of the party must file, within 48 hours after the convention, a candidate's affidavit that he or she possesses the qualifications set forth in the State Constitution. The bill would

change this deadline to one business day after the convention.

Notice of Postal and E-Mail Addresses

Within 30 days after the bill's effective date, each county, township, city, or village would have to provide its clerk with a permanent postal mailing address, and each county would have to provide its clerk with an electronic mailing address. The clerks would have to give the Secretary of State written notice of those addresses. Within three business days after a change in the postal mailing address or electronic mailing address, the county, township, city, or village clerk would have to give the Secretary of State written notice of the new address.

Recount

Under the Law, a candidate voted for at a primary or election may petition for a recount of the votes if certain requirements are met. As a rule, the petition must be filed within 48 hours after the completion of the canvass of votes cast at an election. If the recount petition relates to a State senatorial or representative district located wholly within one county, the petition must be filed within 48 hours after the adjournment of the Board of State Canvassers' meeting at which the certificate for determination for that office was recorded. Under the bill, that deadline also would apply to a petition that related to the district of a Representative in Congress located wholly within one county. For a special election, however, for Representative in Congress, State Senator, or State Representative for a district located wholly within one county, the petition would have to be filed within 48 hours after the certificate of determination was filed with the secretary of the Board of State Canvassers.

Qualified Voter File Report

The bill would require the Secretary of State, by June 15 of each odd-numbered year, to submit a report on the Qualified Voter File (QVF) to each member of the Senate and House of Representatives committees with primary responsibility for election matters. The report would have to include at least both of the following:

- Information on the efficiency and effectiveness of the QVF as a voter registration system.
- Any recommendations of the Secretary of State for amendments to the Election Law to increase the efficiency and effectiveness of the QVF as a voter registration system.

Repeal

The bill would repeal Section 530 of the Election Law, which requires the Secretary of State, by January 15 of each odd-numbered year, to convene an advisory committee to review Michigan's voter registration system. The Secretary of State must appoint individuals who represent the major political parties, local election officials, and voter-registration organizations. The Senate Majority Leader, the Speaker of the House, and the Senate and House minority leaders each may appoint two people to the committee. The committee must convene by February 1 of each odd-numbered year, take public testimony, and report on specific topics by July 1 of that year. The Secretary of State must submit the report to the Governor, the Senator Majority Leader, and the Speaker of the House by August 1.

MCL 168.2 et al.

Legislative Analyst: S. Lowe

FISCAL IMPACT

The provisions of the bill relating to recounting could add to administrative costs to the State. However, these costs would be imposed on the State only in the event that a recount was requested.

Fiscal Analyst: E. Limbs

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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.