



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 1254 (as introduced 11-29-18)
Sponsor: Senator Phil Pavlov
Committee: Government Operations

Date Completed: 12-4-18

CONTENT

The bill would enact a new law to provide for certain duties of the Secretary of State (SOS) relating to the Independent Citizens Redistricting Commission. The bill would do the following:

- Require the SOS to promulgate rules and procedures providing for the form and minimum required contents of an application for commissioner of the Commission.**
- Prescribe criteria that would apply in determining an individual's affiliation with a political party.**
- Prohibit an individual who was affiliated with a political party from providing services, including legal and accounting services, to the Commission.**
- Prescribe the manner in which applications would have to be provided to the general public and to Michigan registered voters.**
- Specify that an individual who violated an oath or provided false information on an application would be responsible for a civil fine of \$500.**

The bill would take effect 90 days after its enactment.

Promulgation of Rules

The bill would require the SOS to promulgate rules and procedures, in accordance with the Administrative Procedures Act, that provided for the form and minimum required contents of an application for commissioner of the Commission, including the method for attesting to political party affiliation under oath.

Political Party Affiliation

For purposes of establishing affiliation with a political party in the commissioner application and selection process, all of the following would apply:

- An individual would be affiliated with a political party if he or she adhered to or acted to further the purposes or objectives of that party or a Federal, State, or local chapter or other division of that party; an expression of sympathy with a party or its purposes or objectives alone would be insufficient to establish affiliation.
- An individual would be conclusively presumed to be affiliated with a political party if, within the previous six years, the individual offered to or contributed, loaned, or promised money or anything of value to that party or a Federal, State, or local chapter or other division of that party.

An individual also would be conclusively presumed to be affiliated with a political party if he or she were presently a member of that party or a Federal, State, or local chapter or other division of that party.

If an individual were applying as an independent, he or she would have to state under oath that he or she was not presently a member of any political party. If an individual were applying as an affiliate of a political party, he or she would have to state under oath that the individual affiliated with that party and was not presently a member of any other political party.

An individual who was affiliated with a political party would be prohibited from providing services, including legal and accounting services, to the Commission.

Applications

In making applications for commissioner available to the general public, the SOS would have to make them available online and circulate the applications throughout the State, including at all SOS offices. When mailing applications for commission to Michigan registered voters at random, the recipients would have to be selected from a pool of Michigan registered voters that included all Michigan registered voters.

When the SOS would have to use a random selection process in the implementation of its duties related to the Commission, it would have to promulgate rules to establish the manner of random selection to be used and procedures for implementing the selection process.

Violations

An individual who violated an oath or provided false information on an application under the Act would be responsible for a civil fine of \$500.

Legislative Analyst: Jeff Mann

FISCAL IMPACT

Initially, the Department of State would incur a cost for the requirements to make the applications for commissioner readily available to the public and to mail the applications to randomly selected Michigan registered voters until the pool of candidates is filled from which the commissioners would be selected. The Department of State estimates that the cost for each mailing would be between \$0.55 cents and \$1. The total cost of the mailings would depend on the number of letters actually mailed and the cost per parcel mailed.

The bill would have no fiscal impact on the State and could have a small positive impact on local governments. Any increase in revenue from civil infractions would be dedicated to public libraries.

Fiscal Analyst: Joe Carrasco
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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.