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OFFICE OF THE GOVERNOR
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Michigan Senate
State Capital
Lansing, Michigan 48909-7514

Senators,

Today I have signed Enrolled Senate Bill 150. This bill provides needed funding to ensure a complete Census count, implement the automatic voter registration and expanded absentee voting provisions of Proposal 3, and to compensate people for the years they were wrongly imprisoned, to list only a few.

The bill also contains an unconstitutional and unenforceable directive to the Auditor General to audit the Department of State as it rolls out automatic voter registration and expanded absentee voting, rather than after the roll-out is complete. Section 105 contains a net \$0 appropriation to the Auditor General, which is a placeholder used to add boilerplate language that instructs the Auditor General to do something specific. That boilerplate is in section 421: it requires the Auditor General to “conduct an audit to determine the department of state’s compliance with section 441 of this part”—the section appropriating funds to implement automatic voter registration and expanded absentee voting—“by the end of the 2018-2019 fiscal year.”

The Michigan Constitution of 1963 created the Auditor General and gave it certain limited powers, including the power to conduct “post audits” both of financial transactions and of the performance of the state and its agencies—a “post audit” being an audit that is conducted *after* the conclusion of the fiscal year or program being examined. The Constitution also stated that the Auditor General “shall be assigned no duties other than those specified” in section 53 of article 4. Thus, the Auditor General has no role auditing an ongoing program during the current fiscal year. Because section 421 of Enrolled Senate Bill 150 requires the Auditor General to “conduct an audit . . . by the end of the 2018-19 fiscal year,” it is unconstitutional.

I welcome the accountability afforded by an audit, including an audit of the program at issue here. Nevertheless, the Auditor General may only conduct an audit at the constitutionally appropriate time. I therefore invoke the authority given to the governor in

