

Legislative Analysis



ELIMINATE LOCAL BOARDS OF CANVASSERS; ASSIGN DUTIES TO COUNTY CANVASSERS

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 6031

Sponsor: Rep. Jennifer Haase

House Bill 6032

Sponsor: Rep. Lisa Brown

House Bill 6033

Sponsor: Rep. Bill Rogers

Committee: Ethics and Elections

Complete to 4-20-10

A SUMMARY OF HOUSE BILLS 6031 - 6033 AS INTRODUCED 4-13-10

The bills would eliminate city and township boards of canvassers, and transfer their functions to county boards of canvassers. To that end, the bills replace references to the local boards of canvassers with references to the county boards of canvassers.

House Bill 6033 is the main bill in the package. It is tie-barred to House Bills 6031 and 6032 and they are tie-barred to House Bill 6033, meaning that none of the bills could go into effect unless all are enacted into law.

A more detailed description of each bill follows.

House Bill 6031 would amend the General Law Village Act (MCL 74.18a) to remove the requirement that the election on a proposed disincorporation of a village be canvassed by the board of canvassers of the village and the board of canvassers of each township in which the village is located. Instead, the bill would require that the results of the election on the proposed disincorporation be canvassed by the board of county canvassers of the county in which the village is located.

House Bill 6032 would amend the Community College Act (MCL 389.21, 389.37, & 389.57) to eliminate references in the act to the board of city or township canvassers, and replace them with references to the appropriate board of county canvassers.

House Bill 6033 would amend 20 sections of the Michigan Election Law (MCL 168.24a et al) and repeal parts of the act, in order to eliminate references to local boards of canvassers in cities, villages, and townships.

Under the law, all elections in Michigan are certified and sometimes recounted by a board of canvassers whose members canvass the votes that have been cast (to ensure

there are no discrepancies between ballots returned and tabulated votes), and announce the winners of elections. There is a board of state canvassers to canvass the votes cast in statewide contests. Further, a four-member board of canvassers is established in each of Michigan's 83 counties, as well as in each city and township having more than five precincts. Half the members represent each of the two political parties, and one member of each of the political parties represented is appointed for a term of four years, while the second serves a term of two years. House Bill 6033 would retain the board of state canvassers, and also each of the 83 county boards of canvassers, but the bill would eliminate all boards of city and township canvassers, and assign their duties to the county boards of canvassers.

The sections of the law that are amended to remove the references to city and township boards of canvassers, and to replace them with references to the county boards of canvassers concern primary and general elections (Sections 323 & 347); school elections (Sections 307 & 308); township elections (Sections 355 & 360); non-partisan primary judicial elections (Sections 426c, 426f & 426l); procedures in the event of a discrepancy in the returns of any election district (Section 792); procedures that are followed by election inspectors and boards of canvassers (Sections 806 & 809); and also procedures that are followed by county boards of canvassers and the state board of canvassers (Section 822) if elections cannot be certified within 14 days.

Now under the law, the local board of canvassers corrects obvious mathematical errors in the tallies and returns, and when necessary for a proper determination, can summon the election inspectors and require them to count any ballots they failed to count, and make correct returns, if in the judgment of the board of canvassers (after examining the returns, poll lists, and tally sheets) the returns are incorrect or incomplete. House Bill 6033 would retain these provisions but make them the responsibility of county boards of canvassers. In doing so, the bill would allow the board of county canvassers to designate staff members from the county clerk's office to count any ballots that the election inspectors failed to count.

Currently under the law, recount petitions for an office or proposition (other than those filed with the state board of canvassers) are filed with the clerk of the board of local canvassers that originally conducted the canvass. House Bill 6033 would specify that all recount petitions for an office or proposition (other than those filed with the secretary of state) be filed with the clerk of the board of county canvassers that originally conducted the canvass. The bill then transfers to county clerks (from local clerks) the protocols that must be followed by recount petitioners, counter-petitioners, and county clerks regarding the filing and notice of recount petitions.

Finally, House Bill 6033 would repeal sections 30a to 30e of the Michigan Election Law (MCL 168.30a to 168.30e). Those sections all provide for city and township boards of canvassers, and concern, among other things, the boards' powers and duties; appointment and terms of office; eligibility and selection; applications and vacancies; meetings; and compensation and expenses.

FISCAL IMPACT:

House Bill 6033 would have an indeterminate, but positive, fiscal impact on state and local government. The provisions of the bill would eliminate all boards of city and township canvassers, and assign their duties to the county board of canvassers. Local units of government would realize some savings due to the elimination of the local boards. The local government would still pay the costs of canvass for any school, city, township, and village elections done by the county board of canvassers. Much of the savings to the local unit of government will come in the form of administrative savings associated with forming and operating a local board of canvassers.

House Bill 6032 would have no fiscal impact on the state, local units of government, or the 28 community colleges.

As written, House Bill 6031 would have no state fiscal impact and does not appear to have any significant local fiscal impact.

Legislative Analyst: J. Hunault
Fiscal Analyst: Jim Stansell
Mark Wolf
Ben Gielczyk

■ 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.