

Legislative Analysis



ELIMINATE LOCAL BOARDS OF CANVASSERS; ASSIGN DUTIES TO COUNTY CANVASSERS

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House Bill 6031 as introduced
Sponsor: Rep. Jennifer Haase

House Bill 6032 as introduced
Sponsor: Rep. Lisa Brown

House Bill 6033 as introduced
Sponsor: Rep. Bill Rogers
Committee: Ethics and Elections

First Analysis (5-5-10)

BRIEF SUMMARY: The bills would eliminate city and township boards of canvassers, and transfer their functions to county boards of canvassers.

FISCAL IMPACT: House Bill 6033 would have an indeterminate, but positive, fiscal impact on state and local government, while House Bills 6031 and 6032 would have no fiscal impact on the state, and do not appear to have any significant local fiscal impact. See *Fiscal Information* for greater detail.

THE APPARENT PROBLEM:

Under Michigan law, all elections are certified and sometimes recounted by a board of canvassers. The members of the board carefully review--or 'canvass'--all the votes that have been cast to ensure there are no discrepancies between the number of ballots returned and the number of tabulated votes. The law specifies that half the members of a board of canvassers represent each of the two political parties (with one member of each of the political parties appointed to a term of four years, while the second serves a term of two years).

There is also 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. In addition, the law requires that each city and township having more than five precincts also have a local board of canvassers.

In practice, the 83 county boards of canvassers review all local elections. Few cities and townships have local boards of canvassers. Those that do appoint local boards of canvassers because their charters require that they do so. For example, according to committee testimony, in Oakland County there are 51 cities and townships, but only nine cities have local boards of canvassers. On Election Day, those nine city boards canvass their local elections, and then submit their tallies to the county board of canvassers whose

members repeat the process. This duplication of effort--which exists across the state--is costly, and sometimes confusing.

To eliminate the duplication and unnecessary cost, legislation has been introduced that would retain the board of state canvassers, and also each of the 83 county boards of canvassers, but eliminate all boards of city and township canvassers, and assign their duties to the county boards of canvassers.

THE CONTENT OF THE BILLS:

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 of the bills 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 board of state 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 INFORMATION:

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.

ARGUMENTS:

For:

These bills would eliminate duplication among local boards of canvassers who are appointed by election clerks to review the votes cast in local elections. Most local election outcomes are carefully reviewed by Michigan's 83 county boards of canvassers. However, in some cities and townships--for example, in nine of the 51 local jurisdictions in Oakland County--the local charter also requires a city or township board of canvassers. In those instances, the results of a local election are canvassed by both boards of canvassers--first the city or township board, then the county board. This duplication of effort is both costly and confusing. These bills would streamline the local election canvassing process, and increase both government effectiveness and efficiency.

POSITIONS:

The Secretary of State supports the bills. (4-21-10)

The Michigan Association of County Clerks supports the bills. (4-21-10)

The Michigan Association of Municipal Clerks supports the bills. (4-21-10)

The Oakland County Clerks Association supports the bills. (4-21-10)

The Kent County Clerk supports the bills. (4-21-10)

The Oakland County Clerk supports the bills. (4-21-10)

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