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BILL ANALYSIS

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House Bill 5482 (as passed by the House)
Sponsor: Representative Chris Ward
House Committee: Local Government and Urban Policy
Senate Committee: Government Operations

Date Completed: 6-29-04

CONTENT

The bill would amend the Michigan Election Law to allow the appointment of a local receiving board consisting of two or more elections inspectors, divided as equally as possible between each major political party, to receive election ballots. The bill describes the responsibilities of such a board, which would include:

- Determining whether ballot containers had been properly sealed.**
- Determining whether the number of voting individuals recorded in the poll book was equal to the number of ballots issued to the electors.**
- Notifying the clerk of the responsible board of canvassers of the action taken when election inspectors, along with the receiving board, had opened the ballot container to take corrective action.**
- Placing the poll book and statement of returns in the appropriate, sealed envelope, following the board's review.**

In particular, the legislative body of a city, township, or village could decide by resolution to appoint one or more additional boards of election inspectors to serve as receiving boards for an election at which the ballots were counted and certified at the precinct. For a precinct having receiving boards, the board of election commissioners would have to appoint a receiving board consisting of two or more election inspectors, with at least one election from each major political party, and would have to appoint an equal number, as nearly as possible, of election inspectors from each major political party.

At least two election inspectors in a precinct, representing each of the major political parties, would have to deliver to the receiving board for that precinct a sealed ballot container containing the voted ballots, and, in a separate sealed envelope, the poll book and a statement of returns. The poll book and statement of returns could be enclosed in a single sealed envelope.

The receiving board would have to open the sealed envelope and review the poll book and statement of returns to determine that the ballot container was properly sealed and the seal number was properly recorded in the poll book and the statement of returns. If the ballot container were not properly sealed or there were a discrepancy with the seal number recorded in the poll book or the statement of returns, the election inspectors who delivered the ballot container and the receiving board, together, would have to take the necessary steps to correct the discrepancy. The election inspectors and the receiving board would have to note the discrepancy and the corrective action in the remarks section of the poll book and would have to sign the notation.

The receiving board also would have to determine that the number of voting individuals recorded in the poll book equaled the number of ballots issued to the electors, as shown by the statement of returns. If the number of individuals voting as shown by the poll book did not equal the number of ballots counted, as shown by the statement of returns, and if an explanation of the discrepancy had not been noted in the poll book, the receiving board would have to ask the election inspectors about the discrepancy and note the explanation in the poll book, and all would have to sign the notation.

The bill provides that, if the poll book or statement of returns had been erroneously sealed in the ballot container, the election inspectors could open the ballot container and remove the poll book or statement of returns. The elections inspectors and receiving board would have to note the corrective action in the remarks section of the poll book and sign the notation before placing the poll book or statement of returns in a separate sealed envelope. If the statement of returns were sealed in the ballot container and the poll book were sealed in an envelope, the poll book would have to be removed from the sealed envelope for the notation of the corrective action to be recorded before the book and the statement of returns were placed in a sealed envelope. The receiving board would have to notify the clerk of the board of canvassers responsible for canvassing all or a portion of the election of the corrective action taken.

The bill also provides that, when the receiving board had completed its review of the poll book and statement of returns, it would have to place them in the appropriate envelope, sealed with a red paper seal and initialed by the receiving board. If permitted by the clerk of the board of canvassers, the poll books and statement of returns from more than one precinct could be included in a single envelope.

Proposed MCL 168.697a

Legislative Analyst: J.P. Finet

FISCAL IMPACT

The salary paid to election inspectors serving as receiving boards would be determined by local election boards. The bill would result in savings through the efficient use of precinct workers. (The receiving board would have the authority to inspect the poll book and statement of returns while precinct workers were still available.)

Fiscal Analyst: Bill Bowerman

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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.