

Legislative Analysis



BOARD OF COUNTY CANVASSERS: QUALIFIED AND INTERESTED NOMINEES

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House Bill 5580 (Substitute H-1)

Sponsor: Rep. Scott Hummel

Committee: House Oversight, Elections, and Ethics

First Analysis (3-6-06)

BRIEF SUMMARY: The bill would allow a county board of commissioners or a county clerk to request background information from board of county canvasser nominees in order to determine whether the nominee was qualified for and interested in the position.

FISCAL IMPACT: The bill is permissive; it allows counties to seek information.

THE APPARENT PROBLEM:

According to committee testimony, a citizen in Clinton County has attempted to stack the county board of canvassers, offering the names of people to fill vacancies without seeking their approval.

Currently, the law does not allow either the county board of commissioners (who appoint canvassers) or county clerks (who fill vacancies on the board of canvassers) to ask applicants for the position about their background or willingness to serve.

Legislation has been introduced to allow those who appoint members to a county board of canvassers to request background information from the applicants.

THE CONTENT OF THE BILL:

House Bill 5580 (H-1) would amend the Michigan Election Law (MCL 168.24c and 24d) to allow a county board of commissioners or a county clerk to request background information from board of county canvasser nominees in order to determine whether the nominee was qualified for and interested in the position.

Currently under the law, selection of the members of a board of county canvassers is made from each of the two political parties casting the greatest number of votes for secretary of state at the preceding general November election. A political party cannot be represented by more than two members of the board of county canvassers at any one time. The county committee of each political party, not later than September 1 of each odd-numbered year, submits to the county clerk the names of three people for each position to which the party is entitled. (In any county having two or more congressional districts, the chairs of the congressional district committees act as the county committee.) Within 10 days after convening their annual meeting, the county commissioners elect by ballot to each position, one of the three people nominated. If a vacancy occurs in the membership of the board of county canvassers, the county clerk gives notice of the vacancy to the chair of the county committee of the political party entitled to fill the vacancy. The committee of the political

party is then entitled to fill that vacancy within 10 days, and nominates three people for the position, submitting the nominees to the county clerk who appoints one of the people nominated. Under House Bill 5580 these provisions would be retained.

Under House Bill 5580, both a county board of commissioners and a county clerk, before electing or appointing a nominee to the board of county canvassers, could request that a nominee provide any of the following in order to determine whether the nominee was qualified for and interested in the position:

- A letter signed by the nominee indicating an interest in serving on the board of county canvassers, and indicating an intent to discharge the duties of the position on the board to the best of his or her ability.
- Prior election experience, including canvassing elections.
- Information on whether the nominee had been convicted of a felony or election crime.
- Any additional information the county board of commissioners may require.

ARGUMENTS:

For:

It is appropriate to give county boards of commissioners and county clerks the authority to determine the interest and background of those they would appoint to serve on county boards of canvassers. Currently under the law, it is possible to make appointments of canvassers who have no interest in serving, but who have, nonetheless, had their names submitted for consideration. Indeed, this has occurred in at least one county in Michigan. This legislation would allow applicants to be interviewed about their background, to ensure their willingness to serve.

Against:

The bill is a good one, but it should be amended to prevent those making appointments to the county board of canvassers from asking political questions when they do background checks of applicants. In a very close election, it is the county boards of canvassers who conduct hand recounts of the ballots when a recount is requested by a losing candidate. If the appointment process becomes too highly politicized, the canvassers appointed are not in the best situation to decide an election's outcome objectively and honestly.

POSITIONS:

The Michigan Association of County Clerks supports the bill. (3-1-06)

Legislative Analyst: J. Hunault

■ 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.