

CONVEYING ELECTION NIGHT RESULTS

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House Bill 4693

Sponsor: Rep. Amanda Price

Committee: Elections and Ethics

Complete to 2-3-14

A SUMMARY OF HOUSE BILL 4693 AS INTRODUCED 5-2-13

House Bill 4693 would amend the Michigan Election Law (MCL 168.809 et al) to allow election clerks to convey election results on the night of an election by electronic means, and require that both county clerks and boards of county canvassers receive sealed statements of returns and tally sheets. A detailed description of the bill follows.

Election Inspectors Call, Email, or FAX Results to Clerks. The bill would allow a board of election inspectors, after the polls close on Election Day, to transmit the statement of returns to their appropriate elections clerk (and ultimately to the county clerk) by telephone or other electronic means. If the board of election inspectors did not (or was unable to) transmit the election results to the county clerk by telephone or other electronic means on election night, then the city or township clerk could transmit the results.

County Clerk Makes Results Public. The county clerk would tabulate the results as they were received by telephone or other electronic means and make those results available to the public. [The bill defines "other electronic means" as including, but not limited to, electronic mail, facsimile, or modem.]

Board of Election Inspectors Responsibilities. Currently under the law, a board of Election Inspectors seals one statement of returns and one tally sheet with a red state election seal in an envelope, and addresses the envelope to the board of county canvassers, in care of the probate judge. House Bill 4693 would retain this provision, but modify it to refer to the probate judge *or his or her designee*. The bill also would require that *the board of election inspectors seal one poll book and one tally sheet with a red state election seal in an envelope and address that envelope to the county clerk.*

The law requires that the board of election inspectors deliver the sealed envelope to the appropriate township or city clerk. House Bill 4693 would require instead that *two members of the board of election inspectors, one from each major political party, deliver the sealed envelopes and the ballot container to a receiving board at the office of the city or township clerk, immediately after closing the precinct on election night.* The bill specifies that the poll book and statement of returns could be enclosed in a single sealed envelope when delivered to the receiving boards.

Responsibilities of Receiving Boards. Further, House Bill 4693 species that if, on election night, the board of election inspectors transmitted election results to the county

clerk by telephone or other electronic means, then upon receiving the envelopes, the receiving board would be required to review all of the election materials and verify the secure sealing of the ballot containers. After reviewing the election materials from each precinct, the receiving board would be required to deposit the envelopes addressed to the board of county canvassers into two separate secure storage containers, the first marked "board of county canvassers" and the second marked "county clerk".

Then, two members of the receiving board—one from each political party—would be required to sign two certificates entitled "election materials" for each secure storage container, and to designate on each signed certificate the seal number used to seal the secure containers. The two receiving board members would then place one of the signed certificates in a plastic envelope and attach the signed certificate to the seal of each container. Further, they would secure each storage container with the approved seal, and the seal numbers would be transmitted, on election night, to the county clerk. Then the two receiving board members would deposit the duplicate signed certificate for each container with the appropriate local elections clerk.

The bill requires that the township or city clerk secure each storage container overnight, and then deliver the case marked "board of county canvassers" to the probate judge (or to a designee), and the case marked "county clerk" to the county clerk, before 11 am on the day following Election Day. The probate judge (or a designee) would then deliver the sealed storage container to the board of county canvassers when it met to canvass the returns.

Receiving Board Inspection Following Precinct Count; Delivery to County Clerk. Under the bill, if the board of election inspectors, or the city or township clerk, did not transmit the elections results to the county clerk on Election Night, then the board of election inspectors would deliver its sealed envelopes to the city or township receiving board for inspection in the office of the city or township clerk immediately upon completion of the count in the precinct. Then the city or township clerk would be required to immediately deliver the envelopes to the county clerk, who would open the envelope addressed to the county clerk.

County Clerk Office Hours. Currently under the law the office of a county clerk must be open on Election Day, and it must remain open until the last returns have been received, and the clerk completes an unofficial tabulation. House Bill 4693 would retain these requirements, and add that *the office must remain open until the clerk transmits the unofficial tabulation to the state Bureau of Elections.*

County Canvassers Meeting. Now under the law, a board of county canvassers must meet at the office of the county clerk at 1 p.m. on the day after the day of a general election, August primary, or presidential primary election. House Bill 4693 specifies instead that *the board of county canvassers must meet at the office of the county clerk at 9 a.m. on the Thursday following the day of an election.*

FISCAL IMPACT:

The bill would have no fiscal impact on the state and no direct fiscal impact on local units of government.

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■ 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.