

# Legislative Analysis



## BOARDS OF COUNTY ELECTION COMMISSIONERS AND BOARDS OF COUNTY CANVASSERS

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

Analysis available at  
<http://www.legislature.mi.gov>

**House Bill 4734 as enacted**

**Public Act 614 of 2018**

**Sponsor: Rep. Jeremy Moss**

**House Committee: Elections and Ethics**

**Senate Committee: Elections and Government Reform**

**Complete to 2-12-19**

### SUMMARY:

House Bill 4734 amends the Michigan Election Law to do all of the following:

- Designate specific offices—county prosecuting attorney, county sheriff, or register of deeds—one of which would serve as a substitute on the county board of election commissioners if the county treasurer or judicial representative (chief or only judge of probate of the county or probate court district) were absent or disqualified from serving.
- Allow for the compensation of the board of county canvassers and any assistants employed by the board to be determined by the county board of commissioners in consultation with the county clerk. The bill also repeals the sections of the Election Law that prescribe the compensation for members of the board of canvassers based on county population.
- Adjust the meeting day for a board of county canvassers to meet at the county clerk's office following elections (except for a May regular election concerning a millage ballot question) from 1 p.m. on the day after the election (Wednesday) to no later than 9 a.m. on the Thursday after the election. The county clerk or his or her staff must determine the meeting date and time.
- Require that, when the board of county canvassers reports the number of votes cast for each office, the names of the persons for whom those votes were given, and the number of votes given to each person following its canvass, the board must also disclose the number of out-of-balance precincts that were not reconciled during the county canvass process.
- Require each city or township to use the electronic poll book software developed by the Bureau of Elections in each of its precincts on the day of an election to process voters and generate election precinct reports. Each city or township clerk must download the software from the qualified voter file software after 4 p.m. on the day before an election. However, the clerk of a city or township that has more than 50 precincts may begin downloading the electronic poll book software after 2 p.m. on the Saturday before an election. If the software is downloaded before 4 p.m. on the day before an election, the clerk must provide a supplemental absent voter list to each

precinct before the polls open on the day of the election that captures any absent voter activity between 2 p.m. on the Saturday before the election and 4 p.m. on the day before the election.

- Update terminology and references. The bill removes reference to boards of county auditors, as there are no known boards of county auditors in the state,<sup>1</sup> and replaces “board of supervisors” with “county board of commissioners” to reflect that board’s current name.

The bill takes effect March 28, 2019.

MCL 168.23 et al.

### **BRIEF DISCUSSION:**

According to committee testimony, the sections repealed, which concern the pay structures for boards of county canvassers, were last addressed in 1982. Notably, members of boards of county canvassers in populous communities are currently paid a daily rate of \$25 for meetings and \$50 for recounts. As was stated in committee, \$25 is not what it was 36 years ago. The bill replaces those rates (and the daily rates for less populous communities) with the provision that county boards of commissioners must consult with the county clerk to determine compensation for boards of county canvassers.

The requirement that a board of county canvassers disclose the number of out-of-balance precincts not reconciled in the canvassing process was included at the request of the Secretary of State’s office in an effort to head off potential recount issues.

### **FISCAL IMPACT:**

The bill would have no fiscal impact on state government. Counties, cities, townships, and villages would be allowed to determine the compensation for members of various boards of election commissioners, thereby impacting each local unit’s budget accordingly.

Legislative Analyst: Jenny McInerney  
Fiscal Analyst: Michael Cossen

---

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

---

<sup>1</sup> According to the House Fiscal Agency analysis for Public Act 246 of 2005, PA 246 allowed for the dissolution of the final existing board of auditors in Michigan—the Saginaw County Board of Auditors.  
<http://www.legislature.mi.gov/documents/2005-2006/billanalysis/House/pdf/2005-HLA-5244-3.pdf>