

BOARDS OF COUNTY ELECTION COMMISSIONERS AND BOARDS OF COUNTY CANVASSERS

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House Bill 4734 (H-1) as reported from committee

Sponsor: Rep. Jeremy Moss
Committee: Elections and Ethics
Complete to 9-20-18

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

SUMMARY:

House Bill 4734 would amend 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 would also repeal 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 would 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 would also have to disclose the number of out-of-balance precincts that were not reconciled during the county canvass process.
- Update terminology and references. The bill would remove reference to boards of county auditors, as there are no known boards of county auditors in the state,¹ and replace “board of supervisors” with “county board of commissioners” to reflect that board’s current name.

The bill would take effect 90 days after enactment.

MCL 168.23 et al

¹ 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>

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.

DISCUSSION:

According to committee testimony, the sections to be 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.

POSITIONS:

A representative of the Michigan Secretary of State testified in support of the bill. (5-29-18)

The Oakland County Clerk/Register of Deeds testified in support of the bill. (5-29-18)

A representative of the Michigan Association of County Clerks testified in support of the bill (5-29-18)

Legislative Analyst: Jenny McInerney
Fiscal Analyst: Michael Crossen

■ 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.