



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 4734 (Substitute H-2 as passed by the House)
Sponsor: Representative Jeremy Moss
House Committee: Elections and Ethics
Senate Committee: Elections and Government Reform

Date Completed: 12-5-18

CONTENT

The bill would amend Michigan Election Law to do the following:

- **Require for a meeting of a board of county election commissioners, the members of the board to appoint the county prosecuting attorney, the county sheriff, or register of deeds in an absent or disqualified member's place.**
- **Require the county board of commissioners to consult with the county clerk to determine the compensation for the board of county canvassers.**
- **Require the board of county canvassers would have to meet at the office of the county clerk no later than 9 a.m. on the Thursday after any election held in the county.**
- **Require the board of county canvassers to disclose the number of out-of-balance precincts that were not reconciled during the county canvass process.**

The bill would take effect 90 days after enactment.

Board of County Election Commissioners

The Law requires, for each county, a board of county election commissioners must be constituted by the chief or only judge of probate of the county or probate court district, the county clerk, and the county treasurer. A quorum of two is required for the transaction of business. The bill would delete the quorum requirement.

The chief or only judge of probate of the county or probate court district and the county clerk must act respectively as chairperson and secretary of the board. In the absence or disqualification of the county clerk from any meeting of the board of county election commissioners, the board may select one of the county clerk's deputies to act in the county clerk's place. In the absence or disqualification of any member of the board of county election commissioners other than the county clerk, the members of the board who are present must appoint some other county officer in the absent or disqualified member's place, and the appointed county officer, on being notified, must attend without delay and act as a member of the board.

The bill specifies that, in the absence or disqualification of a board member, the present members place would have to appoint the county prosecuting attorney, county sheriff, or register of deeds.

Compensation of Board of Election Commissioners, Boards of Canvassers

Members of the various boards of election commissioners and any other person charged with duties in connection with the conduct of primaries, elections, canvassing of returns and recounts must receive compensation as is determined by the legislative body of the State, county, city, township or village, as applicable.

The bill also would require the county board of commissioners to consult with the county clerk to determine the compensation for the board of county canvassers and any assistants employed by the county board of canvassers.

Meetings; Board of County Canvassers

The board of county canvassers must meet at the office of the county clerk at 1 p.m. on the day after a general election, August primary, or presidential primary election in the county. For other elections, the board must meet within five days after the election. The bill would specify that the board of county canvassers would have to meet at the office of the county clerk no later than 9 a.m. on the Thursday after any election held in the county. The county clerk or the clerk's office staff would have to determine the meeting date and time for the board of canvassers.

Statement of Votes

Section 824 of the Law requires the board of canvassers, upon completion of the canvass to prepare a statement in detail of the number of votes cast for each office, the names of the persons for whom such votes were given, and the number of votes given to each person, as shown by the returns of the boards of inspectors of election of the various voting precincts of the county. The board of county canvassers also must prepare a statement in detail of the number of votes cast on any proposed constitutional amendment or other ballot question submitted to the electors at the election and the number of votes cast in favor of and the number of votes cast against such proposed amendment or other ballot question, as shown by such returns.

Under the bill, in any statement prepared under Section 824, the board of county canvassers would have to disclose the number of out-of-balance precincts that were not reconciled during the county canvass process.

The Law provides that each county canvasser must receive reasonable compensation for duties as canvassers, paid out of the county treasury. The bill would delete this provision.

MCL 168.23 et al.

Legislative Analyst: Nathan Leaman

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Joe Carrasco

SAS\S1718\s4734sa

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.