

HOUSE BILL No. 4734

June 8, 2017, Introduced by Rep. Moss and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 23, 24e, 24f, 24h, 28, 821, and 830 (MCL 168.23, 168.24e, 168.24f, 168.24h, 168.28, 168.821, and 168.830), section 23 as amended by 2012 PA 417, sections 24f and 24h as amended by 1982 PA 154, and section 821 as amended by 2003 PA 302.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 23. (1) The chief or only judge of probate of the county
 2 or probate court district, the county clerk, and the county
 3 treasurer shall constitute a board of county election commissioners
 4 for each county. ~~, 2 of whom shall be a quorum for the transaction~~
 5 ~~of business.~~ The chief or only judge of probate of the county or
 6 probate court district and the county clerk shall act respectively

1 as chairperson and secretary of the board. In the absence or
 2 disqualification of the county clerk from any meeting of the board
 3 of county election commissioners, the board may select 1 of the
 4 county clerk's deputies to act in the county clerk's place. In the
 5 absence or disqualification of any member of the board of county
 6 election commissioners other than the county clerk, the members of
 7 the board who are present shall appoint ~~some other county officer~~
 8 **THE COUNTY PROSECUTING ATTORNEY OR COUNTY SHERIFF** in the absent or
 9 disqualified member's place, and the appointed county officer, on
 10 being notified, shall attend without delay and act as a member of
 11 the board.

12 (2) If a member of the board is involved in the recall of an
 13 officer, either by assisting in the preparation of the petition for
 14 recall or by being an officer whose recall is sought, then the
 15 member of the board ~~shall be~~ **IS** disqualified with respect to any
 16 determination under section 952 and ~~shall~~ **MUST** be replaced as
 17 provided in this section.

18 Sec. 24e. **(1)** The board shall meet as necessary to transact
 19 their business, and during the month of January in each even
 20 numbered year elect ~~one~~ **1** of their members ~~chairman~~ **CHAIRPERSON** and
 21 ~~one~~ **1** as ~~vice-chairman~~ **VICE-CHAIRPERSON**. Any 3 members shall
 22 constitute a quorum, but no action ~~shall become~~ **BECOMES** effective
 23 unless 1 member from each political party represented concurs
 24 ~~therein~~ **IN THE ACTION**.

25 **(2)** The county clerk ~~shall be~~ **IS** the clerk of the board of
 26 county canvassers. The board of county canvassers may employ ~~such~~
 27 **ANY** assistants as are necessary **TO** adequately ~~to~~ perform the duties

1 of the board. ~~and the~~ **THE** payment for the assistants ~~shall~~ **MUST**
2 be in amounts authorized by the ~~board of county canvassers~~ **COUNTY**
3 **CLERK** and ~~shall~~ **MUST** be paid from an appropriation made for that
4 purpose by the **COUNTY** board of ~~supervisors prior to~~ **COMMISSIONERS**
5 **BEFORE** the canvass.

6 Sec. 24f. (1) In counties having a population of 475,000 or
7 more but less than ~~1,500,000,~~ **1,000,000**, the members of the board
8 of county canvassers ~~shall~~ **MUST** receive actual and necessary
9 expenses incurred in the performance of their official duties, and
10 in addition ~~shall~~ **MUST** be paid at a rate which is equal to the per
11 diem rate paid to the county board of commissioners for meetings,
12 or which is equal to 1/2% of the annual salary paid to members of
13 the county board of commissioners, whichever is greater. Payments
14 for meetings and reimbursement of expenses ~~shall~~ **MUST** be paid by
15 the county treasurer upon the warrant of the county clerk.

16 (2) In counties having a population of less than 475,000, the
17 members of the board of county canvassers ~~shall~~ **MUST** receive actual
18 and necessary expenses incurred in the performance of their
19 official duties, and in addition ~~shall~~ **MUST** be paid the same daily
20 rate as is paid the members of the **COUNTY** board of commissioners
21 for meetings. Payments for meetings and reimbursement of expenses
22 ~~shall~~ **MUST** be paid by the county treasurer upon the warrant of the
23 county clerk.

24 Sec. 24h. In counties having a population of ~~1,500,000~~
25 **1,000,000** or more, the members of the board of county canvassers
26 ~~shall~~ **MUST** receive actual and necessary expenses incurred in the
27 performance of their official duties, and in addition ~~shall~~ **MUST** be

1 paid a daily rate of \$25.00 for meetings and \$50.00 for recounts.
 2 Payments for meetings, recounts, and reimbursement of expenses
 3 shall ~~MUST~~ be paid by the county treasurer upon the warrant of the
 4 county clerk.

5 Sec. 28. Members of the various boards of election
 6 commissioners ~~and boards of canvassers~~ and any other person charged
 7 with duties in connection with the conduct of primaries, elections,
 8 canvassing of returns, and recounts shall ~~MUST~~ receive ~~such~~
 9 compensation as shall be ~~IS~~ determined by the legislative body of
 10 ~~the~~ **THIS** state, **THE** county, **THE** city, **THE** township, or **THE** village,
 11 as ~~the case may be~~. **APPLICABLE**.

12 Sec. 821. (1) ~~The~~ **EXCEPT AS PROVIDED IN SUBSECTION (2), THE**
 13 board of county canvassers shall meet at the office of the county
 14 clerk at ~~1 p.m.~~ **9 A.M.** on the ~~day~~ **THURSDAY** after the day of a
 15 general election, August primary, ~~or~~ presidential primary election,
 16 **OR OTHER ELECTION HELD** in the county. ~~Except as provided in~~
 17 ~~subsection (2), for other elections the board shall meet within 5~~
 18 ~~days following the election.~~

19 (2) If, at an election held on the May regular election date,
 20 a ballot question appears on the ballot concerning **AN** authorized
 21 millage that is subject to a millage reduction as provided in
 22 section 34d of the general property tax act, 1893 PA 206, MCL
 23 211.34d, the board of county canvassers shall meet to canvass and
 24 certify the results of the vote on that proposition after May 31
 25 and before June 15 following the election.

26 Sec. 830. Each ~~county canvasser and county clerk~~ shall ~~shall~~ **MUST**
 27 receive ~~such~~ reasonable compensation for services performed

1 ~~pursuant to the provisions of~~ **UNDER** this act as ~~shall be~~ **ARE**
2 allowed by the **COUNTY** board of ~~supervisors or county auditors,~~
3 **COMMISSIONERS**, which compensation ~~shall~~ **MUST** be paid out of the
4 treasury of the county.

5 Enacting section 1. This amendatory act takes effect 90 days
6 after the date it is enacted into law.