

Act No. 614
Public Acts of 2018
Approved by the Governor
December 28, 2018
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December 28, 2018
EFFECTIVE DATE: March 28, 2019

**STATE OF MICHIGAN
99TH LEGISLATURE
REGULAR SESSION OF 2018**

Introduced by Rep. Moss

ENROLLED HOUSE BILL No. 4734

AN ACT to amend 1954 PA 116, entitled “An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act,” by amending sections 23, 24e, 28, 821, 822, and 830 (MCL 168.23, 168.24e, 168.28, 168.821, 168.822, and 168.830), section 23 as amended by 2012 PA 417, section 821 as amended by 2003 PA 302, and section 822 as amended by 2013 PA 51, and section 830 as amended by 2018 PA 341, and by adding sections 668b and 824a; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Sec. 23. (1) The chief or only judge of probate of the county or probate court district, the county clerk, and the county treasurer shall constitute a board of county election commissioners for each county. The chief or only judge of probate of the county or probate court district and the county clerk shall 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 1 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 shall appoint the county prosecuting attorney, county sheriff, or register of deeds in the absent or disqualified member’s place, and the appointed county officer, on being notified, shall attend without delay and act as a member of the board.

(2) If a member of the board is involved in the recall of an officer, either by assisting in the preparation of the petition for recall or by being an officer whose recall is sought, then the member of the board is disqualified with respect to any determination under section 952 and must be replaced as provided in this section.

Sec. 24e. (1) The board shall meet as necessary to transact their business, and during the month of January in each even numbered year elect 1 of their members chairperson and 1 as vice-chairperson. Any 3 members constitute a quorum, but no action becomes effective unless 1 member from each political party represented concurs in the action.

(2) The county clerk is the clerk of the board of county canvassers. The county clerk may employ any assistants as are necessary to adequately perform the duties of the board. The payment for the assistants must be in amounts authorized by the county clerk and must be paid from an appropriation made for that purpose by the county board of commissioners before the canvass.

Sec. 28. 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 this state, the county, the city, the township, or the village, as applicable. The county board of commissioners shall 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.

Sec. 668b. (1) Each city or township shall use the electronic poll book software developed by the bureau of elections in each election precinct in the city or township on election day to process voters and generate election precinct reports.

(2) Except as otherwise provided in subsection (3), after 4 p.m. on the day before an election, each city or township clerk shall download the electronic poll book software from the qualified voter file software.

(3) In a city or township with more than 50 election precincts, the city or township clerk may begin downloading the electronic poll book software from the qualified voter file software after 2 p.m. on the Saturday before an election. If a city or township clerk downloads the electronic poll book software from the qualified voter file software before 4 p.m. on the day before an election as provided in this subsection, the city or township clerk must provide a supplemental absent voter list to each election precinct before the polls open on election day that captures any absent voter activity in the city or township between 2 p.m. on the Saturday before the election and 4 p.m. on the Monday before the election.

Sec. 821. (1) Except as provided in subsection (2), the board of county canvassers shall 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 county clerk's staff shall determine the meeting date and time for the board of county canvassers.

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

Sec. 822. (1) The board of county canvassers shall then proceed without delay to canvass the returns of votes cast for all candidates for offices voted for and all questions voted on at the election, according to the precinct returns filed with the probate judge or presiding probate judge by the several city and township clerks, or in case of local elections according to the precinct returns filed with the county clerk, and must conclude the canvass at the earliest possible time and in every case no later than the fourteenth day after the election.

(2) If the board of county canvassers fails to certify the results of any election for any officer or proposition by the fourteenth day after the election as provided, the board of county canvassers shall immediately deliver to the secretary of the board of state canvassers all records and other information pertaining to the election. The board of state canvassers shall meet immediately and make the necessary determinations and certify the results within the 10 days immediately following the receipt of the records from the board of county canvassers. The cost of the canvass must be borne by the county involved.

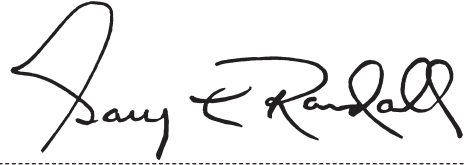
Sec. 824a. In any statement prepared under section 824, the board of county canvassers shall disclose the number of out-of-balance precincts that were not reconciled during the county canvass process.

Sec. 830. Each county clerk must receive reasonable compensation for services performed under this act as is allowed by the county board of commissioners, which compensation must be paid out of the treasury of the county.

Enacting section 1. Sections 24f and 24h of the Michigan election law, 1954 PA 116, MCL 168.24f and 168.24h, are repealed.

Enacting section 2. This amendatory act takes effect 90 days after the date it is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor